

U.S. Government Proposed Edits *(12 April 2022)*

Draft Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences of Armed Conflict Involving ~~arising from~~ the use of Explosive Weapons in Populated Areas

Part A: Preamble

Section 1

- 1.1 ~~As~~ ~~When~~ armed conflicts become more protracted, complex, and urbanised, the risks to civilians have increased. These risks ~~arise~~ ~~is~~ a source of major concern and must be addressed ~~by all parties to a conflict~~. The causes of these risks involve a range of factors, including the use of explosive weapons in populated areas, and pose complex challenges for the protection of civilians.
- 1.2 The use of explosive weapons can have a devastating impact on civilians and civilian objects in populated areas. Blast, debris and fragmentation effects cause deaths and injuries, including lifelong disability. Beyond these direct effects, civilian populations are exposed to severe and long-lasting indirect effects – ~~also~~ ~~which some have~~ referred to as ‘reverberating effects’. Many of these indirect effects stem from damage to or destruction of critical civilian infrastructure. When critical civilian infrastructure, such as energy, food, water and sanitation systems, are damaged or destroyed, the provision of basic needs and essential services, such as healthcare and education, are ~~often~~ disrupted. These services are often interconnected and, as a result, damage to one component or service can negatively affect services elsewhere, causing harm to civilians that can extend far beyond a weapon’s impact area.
- 1.3. The destruction of housing, schools and cultural heritage sites further aggravates civilian suffering, and the natural environment can also be impacted by the use of explosive weapons, leading to the contamination of air, soil, water, and other resources. The use of explosive weapons in populated areas can also result in psychological and psychosocial harm to civilians.
- 1.4 These effects often result in the displacement of people within and across borders, and have a severe impact on progress towards the Sustainable Development Goals. Following the conduct of hostilities, unexploded ordnance ~~impedes~~ the return of displaced persons and cause casualties long after hostilities have ended.
- 1.5 Many militaries already implement ~~operational~~ policies and practices designed to avoid, and in any event minimize, civilian harm ~~when carrying out their operational requirements~~, which include ~~practices to obtain a detailed~~ ~~better~~ understanding of the anticipated effects of explosive weapons on a military target and its surrounding areas and the associated risk to civilians in populated areas. However, there is scope for practical improvements to ~~both achieve and exceed~~ the full and universal implementation of, and compliance with, obligations under International Humanitarian Law, and the application and sharing of good practices. Broadening and strengthening initiatives designed to share military policies and practices on protecting civilians can support the promotion and better implementation of International Humanitarian Law ~~and support protection of civilians even beyond legal standards~~.
- 1.6 We recognise the importance of efforts to record and track civilian casualties, and the use of all

practicable measures to ensure appropriate data collection, including, where feasible, data disaggregated by sex and age. Where feasible, this data should be shared and made publicly available. Improved data on civilian casualties would help to inform policies designed to avoid, and in any event minimize, civilian harm, aid efforts to investigate harm to civilians, support efforts to determine or establish accountability and enhance lessons learnt processes in armed forces.

- 1.7 We stress the imperative of addressing the short and long-term humanitarian consequences resulting from armed conflict involving the use of explosive weapons in populated areas. We welcome the on-going work of the United Nations, the International Committee of the Red Cross (ICRC) and civil society on the impacts and long-term humanitarian consequences arising from the use of explosive weapons in populated areas.
- 1.7bis We also welcome work to empower and amplify the voices of all those affected, including women and girls, and we encourage further research into the gendered impacts of the use of explosive weapons.

Section 2

- 2.1 We reaffirm our obligations ~~and commitments~~ under applicable international law, ~~and related commitments, particularly including~~ International Humanitarian Law and International Human Rights Law, including our ~~obligations~~ to hold accountable those responsible for violations, and our commitment to end impunity.
 - 2.2 Existing International Humanitarian Law provides the legal framework to regulate the conduct of armed conflict, and is applicable to the use of explosive weapons ~~to conduct and defend against attacks~~ in all operating environments, and to all parties to an armed conflict, including both State and non-State armed groups. We stress the importance of full compliance with International Humanitarian Law as a means to protect civilians and civilian objects and to avoid, and in any event minimize, civilian harm when ~~carrying out their operational requirements~~ ~~conducting hostilities~~, in particular within populated areas.
 - 2.3 We recall the obligations on all parties to armed conflict to comply with International Humanitarian Law under all circumstances, including when conducting hostilities in populated areas, and recall in particular the obligation to distinguish between combatants and civilians as well as between civilian objects and military objectives, and to ~~direct operations~~ ~~conduct attacks~~ only against military objectives; the prohibitions against indiscriminate and disproportionate attacks; and the obligation to take ~~all~~ feasible precautions in attack and ~~against the effects of~~ ~~when~~ subject to attacks. We also recall the obligations under International Humanitarian Law ~~to provide civilians with~~ ~~related to the~~ general protection of civilians against dangers arising from military operations, and ~~the importance of~~ ~~allowing and facilitating~~ rapid and ~~unimpeded~~ ~~unhindered~~ passage of humanitarian relief for civilians in need.
 - 2.4 We condemn tactics designed to exploit the proximity of civilians or civilian objects to military objectives in populated areas, ~~and reaffirm the requirement that parties to a conflict take feasible precautions to help protect the civilian population and civilian objects under their control against the effects of attacks~~ ~~as well as~~ We also condemn the use of improvised explosive devices directed against civilian or civilian objects, and other violations of International Humanitarian Law, including by non-State armed groups, which further exacerbate the risks to civilians and are of grave concern.
- 2.4bis: While explosive weapons are a legitimate means of warfare under IHL the use of which may be required by military necessity, we condemn the unlawful or irresponsible use of such weapons, which can cause significant harm to civilians.

~~2-42.5~~ We welcome the work of ~~the~~ United Nations Security Council to strengthen the protection of civilians during armed conflict and to strengthen compliance with International Humanitarian Law, and recall to that end UNSC ~~R~~esolutions on the protection of civilians in armed conflicts.

Part B: Operative Section

Committed to strengthening the protection of civilians and civilian objects during and after armed conflict, strengthening compliance with applicable International Humanitarian Law, and addressing the humanitarian consequences arising from armed conflict involving the use of explosive weapons in populated areas, we will:

Section 3

- 3.1 Review, implement, and, where necessary, develop or improve national policy and practice with regard to the protection of civilians during armed conflict in populated areas.
- 3.2 Ensure comprehensive training of our armed forces on International Humanitarian Law, and on the measures and good practices to be applied during the conduct of hostilities in populated areas to protect civilians and civilian objects.
- 3.3 Ensure that our armed forces adopt and implement a range of policies and practices to ~~help~~ avoid civilian harm, including ~~where feasible~~ by restricting or refraining from the use of explosive weapons in populated areas, when their ~~use effects~~ may be expected to ~~cause harm to civilians or civilian objects~~ ~~extend beyond a military objective~~ ~~in accordance with International Humanitarian Law~~.
- 3.4 Ensure ~~in their policies and practices~~ that our armed forces take into account the direct and ~~reverberating-indirect~~ effects on civilians and civilian objects which can reasonably be foreseen in the planning of military operations and the execution of attacks in populated areas, ~~and~~ ~~conduct~~ ~~battle~~ damage assessments, to the degree feasible, ~~to~~ ~~and~~ identify lessons learned.
- 3.5 Ensure the marking, clearance, and removal or destruction of explosive remnants of war as soon as ~~possible~~ ~~feasible~~ after the end of active hostilities in accordance with our obligations under applicable international law.
- 3.6 Facilitate the dissemination and understanding of International Humanitarian Law and promote its respect and implementation by all parties to armed conflict, including by non-State armed groups.

Section 4

- 4.1 Strengthen international cooperation and assistance among armed forces, and other relevant ~~stakeholders~~ with respect to exchanges of technical and tactical expertise, and humanitarian impact assessments, in order to develop good practice to enhance the protection of civilians, particularly with regard to the use of explosive weapons in populated areas.
- 4.2 Collect and, where feasible and appropriate, share and make publicly available disaggregated data, on the direct and ~~reverberating-indirect~~ effects on civilians of military operations involving the use of explosive weapons in populated areas.
- 4.3 Facilitate the work of the United Nations, the ICRC and relevant civil society organisations collecting data on the impact on civilians of military operations involving the use of explosive

weapons in populated areas, as appropriate.

- 4.4 Provide, facilitate ~~and~~ support ~~assistance to~~ ~~people critically injured, survivors, families of people killed and/or injured,~~ and communities affected by armed conflict in a holistic, integrated, gender-sensitive and non-discriminatory manner, taking account of the rights of persons with disabilities, and supporting post-conflict recovery and durable solutions.
- 4.5 Facilitate the work of the United Nations, the ICRC, other relevant international organisations and civil society organisations aimed at protecting and assisting civilian populations and addressing the direct and indirect humanitarian impact arising from the use of explosive weapons in populated areas, as appropriate.
- 4.6 Meet on a ~~periodic~~ ~~regular~~ basis to review the implementation of this Declaration ~~through the exchange of good practices and lessons learned and identification of~~ any relevant additional measures that may need to be taken to improve compliance with International Humanitarian Law and strengthen the protection of civilians and civilian objects with regard to armed conflict involving the use of explosive weapons in populated areas. As a starting point, a group of interested States, with ~~the participation of~~ ~~input from~~ the United Nations, the ICRC, other qualified relevant international organisations and civil society organisations, could develop a compilation of good practice, which could form the basis for structured military-to-military and other exchanges, workshops, and seminars.
- 4.7 Actively promote this Declaration, distribute it to all relevant stakeholders and seek its adoption and effective implementation by the greatest possible number of States.

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