

Comments on the Second Revised Draft Political Declaration on the Use of Explosive Weapons in Populated Areas

Women's International League for Peace and Freedom
April 2022

The Women's International League for Peace and Freedom (WILPF) welcomes the **second revised draft political declaration** on the use of explosive weapons in populated areas (EWIPA), circulated by the government of Ireland in March 2022. The text is improved from the previous iteration and will hopefully make a substantive contribution to preventing the unconscionable levels of death and harm caused by bombing towns, cities, and villages. It is imperative that the declaration promote a presumption against the use of EWIPA and seek to end this deadly, destructive, and unlawful practice.

WILPF supports the **detailed comments** on this revised text made by the International Network on Explosive Weapons (INEW), of which WILPF is a steering committee member. Those comments are much more extensive than those provided here, and it should be considered that WILPF mostly echoes those remarks.

As an organisation, WILPF has a few additional points to raise or amplify:

Section 1

1.2 and 1.3 should retain the full and broad acknowledgement of the direct harm to civilians as well as the harms caused from reverberating

effects that often stem from damage and destruction to infrastructure. Both paragraphs should also use the language that the use of EWIPA does have these impacts, rather than can have these impacts.

A few other adjustments include:

- 1.2 should add a reference to the gendered and other differentiated impacts on marginalised people from the use of EWIPA.
- Psychological effects should be moved from 1.3 to 1.2.
- In 1.3, the destruction of hospitals and markets should be added to the list of affected sites. Rather than saying such destruction “further aggravates civilian suffering,” 1.3 should say it is “a major cause of civilian suffering.”
- The reference to the “natural environment” in 1.3 should remove the word “natural”.
- In addition, 1.3 should specify that pollution can happen through weapons residues and by pollutants released by objects that are damaged or destroyed. It could also note environmental contamination from unexploded ordnance.



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1.4 should separate the reference to displacement from the reference to development and unexploded ordnance, as it is not just displaced people that face the impacts described here but also people who remain. In describing the harms of unexploded ordnance, it should also reference the impediment to human rights.

The development references could be moved to a **1.4bis**, which should also reference other impacts beyond the Sustainable Development Goals. In particular, it should note that the use of EWIPA impedes the enjoyment of human rights.

1.5 must not overstate the extent that current military policy and practices can sufficiently address civilian harm from the use of EWIPA. It should say “some,” rather than “many” militaries already implement relevant policies, and it should recognise that these policies are not always practiced or implemented in ways that sufficiently prevent civilian harm.

Given the negative impacts of the use of EWIPA for human rights, this paragraph should also reference international human rights law (IHRL) alongside international humanitarian law (IHL).

1.6 should call for collection of data related to disability and to race/ethnicity, in addition to sex and age. The phrase “where feasible” should be removed, in reference to sharing and making data publicly available. The phrase “efforts to” should be removed in relation to recording and tracking civilian casualties.

This paragraph should also call for collection of data on the types, locations, and effects of weapon(s) used, in order to better track which weapon systems are causing harm. This will be relevant for understanding the impacts of particular weapons as well as for making arms transfer assessments as mandated by the Arms Trade Treaty and other relevant instruments.

WILPF welcomes the improved call for research into the gendered impacts of the use of EWIPA in **1.7bis**. This paragraph should also call for research into other differentiated impacts, such as on people with disabilities.

This paragraph could also be further strengthened by “urging further work to amplify, integrate, and respect” the voices of all those affected, rather than “welcoming work to empower and amplify” such voices.

Section 2

This section only recognises IHRL briefly and focuses mostly on IHL. A new paragraph could be added that specifies that states continue to have obligations to respect, protect, and fulfil human rights in armed conflict, must exercise due diligence when using explosive weapons, and must assess their human rights impacts.

In **2.1**, the word “abuses” should be added after “violations”. Under IHRL, “violations” refer to the state action, while “abuses” cover both states and non-state actors including armed groups. Since this paragraph is talking about impunity, it’s important to cover all actors and not only violations of IHL but also under IHRL.

2.5 gives the UN Security Council too much credit for strengthening the protection of civilians and compliance with IHL. Among other problems, the permanent members of the Security Council profit from transferring weapons that are used in populated areas and most use their veto to prevent action to protect civilians if that will interfere with those profits or with their political or economic interests. It’s not clear what this paragraph adds to the political declaration.

Section 3

3.1 should remove “where necessary,” as it is necessary to continuously develop or improve national policy in response to growing understandings of harm and ways to prevent it.

3.3 is the core commitment of the declaration and must set the strongest possible standard. It should also be moved up in the declaration, as other commitments flow from it.

The goal should be to stop or end the use of explosive weapons in populated areas. This could be enacted through a commitment to avoid the use of EWIPA, or to not use EWIPA. Avoiding civilian harm by “restricting or refraining from the use of EWIPA when the effects may be expected to extend beyond a military objective” is not sufficient. The paragraph should read:

Ensure that our armed forces adopt and implement a range of policies and practices to prevent civilian harm, including by avoiding the use of explosive weapons in populated areas, and by undertaking prior assessment of the area effects of weapons and the operational context, including both the generic urban environment and the specific context of use.

While WILPF welcomes a commitment related to addressing reverberating effects of the use of EWIPA, **3.4** seems to assume that attacks in populated areas are legitimate and will continue. This paragraph should be better qualified to avoid that presumption, for example by saying:

Assess and take steps to prevent direct and reverberating effects on civilians and civilian objects, including by not using EWIPA, avoiding military operations in populated areas, and not treating civilian objects as military objectives.

To build on existing practice and to reflect the points about data collection in Section 1, there should be a commitment in **3.4bis** that “Establishes capabilities to track, analyse, respond to, and learn from incidents of civilian harm, including damage to civilian objects.”

3.5 should include references to risk education and risk reduction. Environmental remediation could also be added to this paragraph.

3.6 should focus on understanding and disseminating the operative commitments in this political declaration to the parties to armed conflict, rather than disseminating IHL, which is already a legal obligation.

Section 4

4.1 should remove the reference to “good practice” in reference to the use of EWIPA as the only good practice is to not use EWIPA.

4.1 should urge international cooperation and assistance among all relevant stakeholders to exchange information and experiences in enhancing the protection of civilians, ending the use of EWIPA, and preventing armed conflict.

4.2 is much improved, though it could still use some adjustments:

- The reference to “where feasible and appropriate” should be removed in relation to collecting and sharing data.
- Data collection on civilian harm should be disaggregated by sex, age, and disability.
- Data collection should also include recording of destruction and damage to civilian objects or infrastructure.

- As noted earlier, commitments on data collection in the declaration should call for collection of data on the types, locations, and effects of weapon(s) used, to better track which weapon systems are causing harm. This could be included in 4.2 or 4.2bis.

4.4 is much improved. It could be further strengthened by articulating what victim assistance includes, such as ensuring basic needs are met, and safe and timely access to the provision of emergency medical care, physical rehabilitation, psychosocial support, and socioeconomic inclusion, as well as support towards the full realisation of the rights and full participation of victims in societies.”

A further commitment in relation to humanitarian aid could be added in a **4.4bis**, regarding the provision and facilitation of safe, rapid, and unimpeded access for gender-sensitive humanitarian relief in line with international norms and standards for providing principled and inclusive humanitarian assistance, based on the assessed needs of those affected. Such assistance should recognise and prioritise the involvement and leadership of women, LGBTQ+ people, people with disabilities, and others in marginalised positions, in decision-making at all levels around the planning, delivery, and other management of humanitarian assistance.

**THERE IS NO ‘CAN’ ABOUT IT.
EXPLOSIVE WEAPONS DO CAUSE
EXTENSIVE HARMS TO CIVILIANS.**

