Consultations on the Elements of a Political Declaration on the Use of Explosive Weapons in Populated Areas

General Statement by Human Rights Watch

Geneva, February 10, 2020

Thank you, Chair.

The current draft text provides a good starting point for a strong political declaration to address the harms associated with the use of explosive weapons in populated areas. It includes all of the key elements common to political declarations on armed conflict-related issues that Human Rights Watch identified in a November publication.

Further changes to this draft text are needed, however, to achieve the declaration’s goal of ensuring civilians are adequately protected from the effects of the use of explosive weapons in populated areas.

The declaration should clearly commit states to avoid the use of explosive weapons with wide area effects in populated areas. The current language in paragraph 3.4, which merely “restricts” use, falls far short of maximizing civilian protection. On a related note, the declaration should express a presumption against the use in populated areas of explosive weapons with wide area effects because the effects of such use are foreseeably indiscriminate.

The declaration’s language on victim assistance also needs to be stronger and more detailed. It should commit states to do more than “make every effort” to assist victims, and it should specify types of assistance to be provided. Elsewhere, the text should call for the voices of victims to be not only “amplified” but also taken into account, in order to ensure affected individuals are actively involved in decision-making.

There remains some ambiguity in the draft text between the terms “explosive weapons in populated areas” and “explosive weapons with wide area affects in populated areas.” The declaration should retain its references to wide area effects in certain places, such as paragraph 3.4, while recognizing that other paragraphs apply to the use of all explosive weapons in populated areas.

Section 1 of the draft clearly describes some of the immediate and long-term harms associated with the use of explosive weapons with wide area effects in populated areas. It should also highlight the reverberating effects of these weapons. For example, the destruction of a power
plant can shut down the provision of electricity and water, and thus interfere with health care services.

While the draft includes two paragraphs on data collection, it should emphasize the importance of sharing as well as gathering data. Moreover, the current draft language focuses on civilian casualty data. To promote a better understanding of the problem and improved responses, data collection should also encompass information on the types of weapons used, the locations of attacks, and other effects.

Finally, the declaration should include a more specific commitment to hold follow-up meetings. It should call for an annual meeting at which to review the implementation of the declaration and share best practices.

We will expand on some of these points in our interventions today, and we have published a detailed analysis of the text, which will be available at the back of the room and online.

Thank you.