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

Statement by Human Rights Watch on Section 4: Operational Commitments
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The success of the Political Declaration will of course depend on the strength of the text. But, at least equally important will be effective implementation and universalization of the Declaration. What happens after Dublin may be more important than what happens in Dublin.

In looking to the future, paragraph 4.7 of the draft elements document simply commits states to review implementation. This is fine as far as it goes, it will help the long-term effectiveness of the Political Declaration, but more substance and detail are needed.

In particular, states should agree to create a mechanism for review and commit to holding regular meetings. At least in the early years of the Declaration, these meetings should be annual, as it is in the early years that the most intense work should be devoted to universalization and to establishing best practices for implementation.

The meetings would allow states to promote and to assess the status and implementation of the Declaration and to share best practices and lessons learned. They would also give an opportunity to analyze any ongoing effects of the use of explosive weapons in populated areas and consider whether the Declaration’s measures are sufficient. Such meetings should be inclusive, with all endorsing states, those that have not yet endorsed, the UN, international organizations, and NGOs.

It would also be desirable to hold other meetings in addition to the annual one, perhaps on a regional basis. They could be focused on operational policies, practices, and procedures, as well as data collection and sharing, and victim assistance.

NGOs can play a crucial role in promoting universalization and full implementation, and in communicating the importance of the Declaration. NGOs can also play a vital role in monitoring and reporting, which will be essential.

In these ways, we would be building a community of practice that would underpin the effectiveness of the Declaration in offering better protections for civilians.