Remarks on Section 2 of the draft elements
for a political declaration on the use of explosive weapons in populated areas
Women’s International League for Peace and Freedom
10 February 2020

Thank you, Chairperson. Our recommendations on section 2 of the draft elements are as follows:

In 2.1, the recognition of “the difficulty in directing explosive weapons with wide area effects against specific military objectives within populated areas” risks suggesting that standards for precautions relating to the use of explosive weapons should actually be less stringent, in light of the recognised “difficulty”. This language could have the perverse effect of providing rationale for the expanded and more permissive use of explosive weapons in populated areas.

Instead of stating the “difficulty” in directing explosive weapons with wide area effects against specific military objectives within populated areas, 2.1 could seek to better describe the concept of wide area effects and build understanding of it as a relational definition. For example, it should make clear that in a populated area, the wider area can be assumed to contain civilian people and objects, and therefore there is a high risk of harm to civilians from the use of explosive weapons with wide area effects, requiring a presumption of non-use.

In 2.2, the phrase “good practice” should be removed as there is no good practice for using explosive weapons with wide area effects—again, this declaration should be promoting the non-use of explosive weapons in populated areas, not suggesting there are ways to do it well.

Regarding 2.4, given the UN Security Council’s problematic track record on preventing harm to civilians, this element should be deleted. The UN Security Council, due to the condition of veto, has not been able to credibly prevent or mitigate humanitarian harm. The permanent members of the Security Council are currently profiting from transferring weapons to conflict zones and most have used explosive weapons in populated areas. At most, the declaration could recognise efforts within the Protection of Civilians open debates to raise attention to the problems of using explosive weapons in populated areas.