Vienna Conference on Protecting Civilians in Urban Warfare

1-2 October 2019

Summary of the Conference

The Vienna Conference on Protecting Civilians in Urban Warfare took place from 1 to 2 October 2019 in the Austria Centre Vienna, and addressed the various forms of harm caused by the use of explosive weapons in populated areas, the legal framework and examples of military good practice.

Delegations representing 133 States, UN entities, international organisations and civil society participated in the conference. Overall, the event was attended by more than 500 participants.

The conference opened with addresses by the Federal Minister for Europe, Integration and Foreign Affairs of Austria Alexander Schallenberg, the Under-Secretary-General of the UN and High Representative for Disarmament Affairs Izumi Nakamitsu and the Vice-President of the ICRC Gilles Carbonnier as well as a message by Pope Francis, and video addresses by urban warfare survivor and victim advocate Amina Azimi and UN Messenger for Peace Michael Douglas. Without exception, the high-level speakers pointed to the unacceptable suffering of civilians in urban warfare and urged states to take concrete action to avoid the use of explosive weapons with wide area effects in populated areas.

The Vienna Conference was the first international event at global scale to address the subject of protecting civilians in urban warfare and contributed to a deeper understanding of the devastating consequences on civilians posed by the use of explosive weapons in populated areas. The conference considered the humanitarian impact of current practices around the use of explosive weapons in populated areas, as well as the legal framework and operational policies and procedures through thematic panel discussions. It also provided space for an exchange of views on relevant issues regarding the UN Secretary-General’s proposal to develop a political declaration.
Panels and Presentations

The first panel of the conference addressed the various forms of direct civilian harm caused by the use of explosive weapons with wide area effects in populated areas. Termed one of the defining challenges of our times, speakers noted the particular problem of their use in populated areas due to the particularities of the urban terrain.

Data presented by Action on Armed Violence (AOAV) showed that civilians were disproportionately affected by explosive weapons use in populated areas. Between 2011 and 2018, 90% of those harmed in incidents of explosive weapons use in urban areas recorded by AOAV were civilians. Looking at all civilians harmed globally during this timeframe, 90% were harmed in towns and cities. Improvised explosive devices, airstrikes and ground-launched weapon systems accounted for a significant proportion of these casualties.

The panel also considered the high mortality and highly complex nature of the injuries inflicted by explosive weapons. Survival rates of the massively traumatic, compound injuries including penetrative wounds, crushing, burning and dismemberment are generally low, as complex treatment is required but often beyond the scope of the available facilities and medical practitioners. Attention was also given to the psychological trauma caused by bombing and shelling, as well as medium- and long-term effects of injuries sustained, and to their gendered impact. The severe adverse consequences for children was also highlighted.

The panel closed with speakers reflecting on the poor suitability of explosive weapons with wide area effects for populated areas due to the direct and indirect effects typically observed when these weapons are used in urban warfare.

The second panel more closely examined the indirect civilian harm and the reverberating effects caused by the use of explosive weapons in populated areas. Essential infrastructure and services such as energy, water, waste management, health care and education are highly interdependent. Therefore when critical infrastructure of one service is damaged, this has a domino effect on the others, with reverberating effects felt far beyond the weapon’s impact zone and by a broader population than those directly impacted. These systems are time-consuming to reconstruct and their failure, alongside bombing itself, is a key driver for displacement of populations. The effects of bombing and shelling also have a huge impact on the access and work of humanitarian organisations, hindering relief efforts. The destruction of cities and population displacement can lead to economic collapse, setting back development goals, sometimes for generations, with particularly severe effects on children.

The third panel explored various characteristics of explosive weapons and challenges of the urban context. Panellists noted that the shift in theatres of war away from open landscapes and into populated areas is a steadily growing trend and presents considerable challenges to militaries. Many explosive weapons with wide area effect, have been designed for use in open battlefields and are poorly suited for use in populated areas. The presence of various objects, structures and glass windows can create significant secondary fragmentation, and tall buildings and narrow streets can channel or redirect blasts effects well beyond the specific military objective, causing substantial collateral damage. Although speakers noted that the accuracy and precision of different weapons systems varies
considerably, they stressed that the impact of their use in populated areas was foreseeable and civilian harm could thus be anticipated. To reduce weapons’ area effects and consequent risks to civilians, speakers urged an increased emphasis on weapon-target matching, and referred to the use of precision guided munitions with lower yields among possible mitigation measures, while acknowledging these were not always available. It was noted that there is always an inherent risk to civilians when using explosive weapons with a wide impact area in populated areas, which is why some militaries already apply an “avoidance” option. Reflecting on the practices of non-state actors, speakers urged that more should be done to restrict their access to manufactured explosive weapons.

The fourth panel focused on the restrictions posed by international humanitarian law on the use of explosive weapons in populated areas. It was noted that existing international humanitarian law (IHL) provides a sufficient framework and should be fully implemented. Relevant legal issues and challenges were laid out followed by experiences of practitioners. The use of explosive weapons against military objectives located in populated areas must comply with IHL, in particular the principle of distinction, the prohibitions of indiscriminate and disproportionate attacks, the prohibition of area bombardment, and the requirement to take all feasible precautions in attack. IHL rules must be respected in all circumstances, including in self-defence and even if the enemy is using human shields in violation of IHL. Challenges to respecting IHL rules when using “wide-impact” explosive weapons include the difficulty in directing inaccurate weapons against a specific military objective in populated areas, and the need take into account foreseeable indirect “reverberating” effects on essential urban services in the proportionality assessment. The pattern of civilian harm observed raises serious questions regarding respect for IHL rules and how they are being interpreted and applied.

Panellists also highlighted a lack of consensus among States, legal and military experts and in judicial opinions on the criteria to determine which weapons produce indiscriminate effects in populated areas, pointing to the need for common standards. It was emphasised that most militaries implement IHL through policy and practice, and that warfare in populated areas involves complex assessments which underscore the importance of embedding legal advisers in military units. The exchange of views, good practices and lessons learned between militaries was also emphasised as an important means to help compliance with IHL. The policy framework and experience of G-5 Sahel Joint Force was shared in detail.

Panel five discussed military practice and policy. Panellists presented the challenges faced by the military in connection with the use of explosive weapons during military operations and the limitations encountered in the field when estimating collateral damage and the unintended impacts on civilians. Good practice examples were derived from recent operations, including the Iraqi Defence Forces operations in Mosul, and various tools at the disposal of militaries to facilitate compliance with international humanitarian law to better protect civilians, including collateral damage estimates and battle damage assessments, were discussed. Good practices included verification of target and civilian presence, forward observers, tactical patience, restrictions on use of heavy explosive weapons, and use of alternative weapons such as smaller munitions and precision-guided munitions.

The experiences of AMISOM in adopting a policy to limit the use of indirect fire in populated areas, and in establishing a civilian casualty tracking and response cell, were presented. In
presentations on NATO’s and Afghanistan’s experiences and policies, it was emphasised that the protection of civilians must be made a strategic priority. UN OCHA presented its compilation of military policies and practices, including tools for civilian harm mitigation.

Panellists emphasized that the problem of civilian harm from explosive weapons lies not with the weapons per se, but in their inappropriate use and inappropriate context of use (populated areas). Better intelligence gathering, and more and better training focused on urban warfare were highlighted as part of a solution. The session also reflected on non-state actors’ use of explosive weapons in populated areas in illegal attacks targeting civilians and civilian objects and the unique challenges presented by these parties to conflict both in planning and in the conduct of operations. It was stressed that the violation of IHL by armed non-state actors does not change the obligations under IHL for the opposing armed forces.

The final session elaborated on issues to be considered in a political declaration, and was opened by Under-Secretary-General of the UN and High Representative for Disarmament Affairs Izumi Nakamitsu. She summarized the discussions of the preceding two days by noting that the protection of civilians in urban warfare does not require the establishment of new legal norms or a ban against the use of explosive weapons. A political declaration, in contrast, functions as a platform for concrete action. The examples of previous political declarations were presented, such as the Safe Schools Declaration developed in 2015, which have shown that they can be an effective means of facilitating the implementation of international humanitarian law and strengthening civilian protection. Political declarations can allow states to develop common legal and policy standards and to encourage the exchange of best practices, to improve data collection and to agree on measures for victim assistance, amongst other responses.

General views and policy responses

States, international organisations, UN entities, and civil society representatives expressed their deep concern at the short, immediate and long-term humanitarian consequences for civilians of the use of explosive weapons in populated areas, in particular where they have wide area effects. They welcomed the convening of the Vienna Conference as the first international conference to address this problem and appreciated the presentations by experts during the thematic panel discussions.

A large number of delegations affirmed the need for urgent action to mitigate the impact on civilians from the use of explosive weapons in populated areas and thus to enhance the protection of civilians in urban warfare, and emphasized that the process of elaborating a political declaration should be open, transparent and inclusive.

States expressed strong support for the elaboration of a political declaration and posited various issues to be considered in the development of such a declaration. It was also mentioned that such a declaration could serve as a future vehicle or framework for exchanging best practices and for a dialogue to monitor the implementation of the political commitment. A summary of the most commonly mentioned issues is attached to this report.