Panama’s proposals to the Draft Political Declaration on Strengthening the Protection of Civilians from Humanitarian Harm arising from the use of Explosive Weapons in Populated Areas

Title: Draft Political Declaration on Strengthening the Protection of Civilians from Humanitarian Consequences Harm-arising from the use of Explosive Weapons in Populated Areas.

Part A: Preamble

Section 1

1.1 As contemporary Armed conflicts have become more protracted, complex and urbanised, The use of explosive weapons in populated areas has resulted in an overwhelming number the proportion of civilian casualties, disruption of essential services, deprivation of civilian’s livelihoods and environmental harm, which pose complex challenges for the protection of civilians, is increasing. The causes involve a range of factors, including the use of explosive weapons in populated areas, and pose complex challenges for the protection of civilians.

1.2 Explosive weapons with wide area effects can have a devastating impact on civilians and civilian objects in populated areas. Beyond the direct effects of the weapon’s impact area, including immediate deaths and injuries, lifelong disabilities, psychological trauma and psychosocial harm, social exclusion, economic loss, displacement of people within and across borders, the use of such weapons also exposes civilian populations to severe and long-lasting reverberating effects. These occur in particular when critical civilian infrastructure enabling the provision of essential services for their survival, such as hospitals, energy networks, water and sanitation systems, is damaged or destroyed, such as hospitals, energy networks, and water and sanitation systems. Also, The destruction of housing, schools, and cultural heritage sites, transport infrastructure, as well as the environmental degradation resulting from the use of explosive weapons in populated area cause harm and—further aggravate—civilian suffering. Urban warfare can also result in psychological and psychosocial harm to civilians.

1.3 The use of explosive weapons endangers the natural environment as a result of the contamination by explosive remnants of war, including hazardous chemicals, heavy metals and fuel hydrocarbons, which pose a threat to civilian lives, impede the return of displaced persons and cause long-term harm to human health long after the hostilities have ended. These effects can have a negative impact on progress towards the Sustainable Development Goals and can result in the displacement of people within and across borders. Following urban armed conflict, explosive remnants of war can impede the return of displaced persons and cause casualties long after hostilities have ended.
1.3(bis) All these direct, indirect and reverberating impacts of the use of explosive weapons in populated areas, as well as their long-term effects hinder the progress and the achievement of the Sustainable Development Goals.

1.4 Violations of International Humanitarian Law by parties to an armed conflict, including by non-State armed groups, such as the exploitation of Tactics designed to exploit the proximity of civilians and civilian objects to military objectives in populated areas, as well as the use of improvised explosive devices directed against civilian and civilian objects, and violations of International Humanitarian Law, including by non State armed groups, all exacerbate all these challenges and are of grave concern.

1.5 The inherent difficulty in directing and limiting the effects of explosive weapons with wide area effects to specific military objectives located in populated areas can increase the likelihood of civilian harm. While many militaries implement good operational policies and practices designed to protect civilians, the inherent difficulty in directing and limiting the effects of explosive weapons in wide area effects to specific military objectives located in populated areas increases the likelihood of civilian harm due to the large scale blast and fragmentation range, as well as the inaccuracy of the delivery system. This underscores the need for practical improvements that aim to in the universal implementation of, and compliance with, International Humanitarian Law, including by avoiding the use of explosive weapons with wide area effects in populated areas, and in such good practices. Broadening and strengthening initiatives designed to share military policies and good practices on protecting civilians can support the promotion and better implementation of International Humanitarian Law.

1.5(bis) We stress the imperative of addressing the short and long-term humanitarian consequences arising from the use of explosive weapons in populated areas.

1.6 We recognise the importance of efforts to tracking and recording civilian casualties, and the use of all practical measures to ensure appropriate and reliable data collection and data sharing, including, where possible, data disaggregated by sex, and age and disability, as well as the type of weapons used, their effects and location. The collection of data on civilian casualties can informs policies designed to prevent, mitigate and response to civilian harm, aid efforts to investigate harm to civilians, establish accountability and enhance lessons learnt processes in armed forces.

1.7 We welcome the on-going work of the United Nations, the International Committee of the Red Cross (ICRC) and civil society to raise awareness of the impacts and long-term humanitarian consequences that can arise from the use of explosive weapons in populated areas. We also welcome work to empower and amplify the voices of those affected, including women and girls, and we encourage further research into the potential gendered impacts. We stress the imperative of addressing the short and long-term humanitarian consequences that can result from the conduct of hostilities in urban areas.

1.7(bis) We also welcome work to empower, integrate and amplify the voices and the full participation of those affected, including women and girls, and we encourage further research into the gendered impacts of the use of explosive weapons in populated areas.
Section 2

2.1 We recall our obligations and commitments under applicable international law, particularly International Humanitarian Law and International Human Rights Law, and reaffirm our commitment to support measures to hold accountable those responsible for violations of international law.

2.2 Existing International Humanitarian Law provides the framework to regulate the conduct of armed conflicts, and is applicable to the use of explosive weapons with wide area effects in all operating environments, and to all parties to an armed conflict. We stress the importance of full compliance with International Humanitarian Law as a means to protect civilians and civilian objects and mitigate civilian harm.

2.3 We recall the obligations on all States and parties to armed conflict to comply with International Humanitarian Law when conducting hostilities in populated areas, including the requirements to distinguish between combatants and civilians as well as between military objectives and civilian objects; the prohibitions against indiscriminate and disproportionate attacks and the obligation to take all feasible precautions in attack. We also recall the obligation under International Humanitarian Law to provide civilians with general protection against dangers arising from military operations.

2.4 We welcome the work of United Nations Security Council to strengthen the protection of civilians during armed conflict and to strengthen compliance with International Humanitarian Law, and recall to that end UNSC Resolutions on the protection of civilians in armed conflicts, including Resolution 1265 (1999), 1894 (2009) and 2417 (2018).

2.4(bis) We welcome initiatives designed to foster clarity and enhance the implementation of existing obligations under International Humanitarian Law, in particular with regard to the use of explosive weapons in populated areas.

Part B: Operative Section

Section 3

Committed to strengthening the protection of civilians and civilian objects in armed conflict, strengthening compliance with International Humanitarian Law, and addressing the humanitarian consequences that can arise from the use of explosive weapons with wide area effects in populated areas, we will:

3.0 Commit to avoiding the use of explosive weapons with wide area effects in populated areas. We will implement this commitment by ensuring that explosive weapons with wide area effects are not used in populated areas unless sufficient mitigation measures have been taken to limit their area effects and the consequent risk of civilian harm. [Note: This proposal was presented by the ICRC, which we fully support]
3.1 Desarrollar, revisar, implementar, y, donde sea necesario, mejorar la política y la práctica con respecto a la protección de civiles durante los conflictos armados con el objetivo de evitar, en lo que sea posible, el uso de armas explosivas en áreas urbanas pobladas, con el fin de maximizar la protección de civiles.

3.2 Garantizar un entrenamiento integral de nuestro personal militar en el Derecho Humanitario Internacional, y que se apliquen medidas y buenas prácticas durante la conducción de hostilidades en áreas urbanas pobladas para proteger a las personas civilas y a los objetos civiles, y cumplir con las prohibiciones existentes sobre el uso de armas que sean inherentemente indiscriminadas.

3.3 Garantizar que nuestro personal militar adopte y se implemente políticas y prácticas para evitar el daño a las personas civiles al restringir el uso de armas explosivas con efectos de área en áreas urbanas pobladas, cuyos efectos se extiendan más allá del área inmediata de un objetivo militar.

3.4 Garantizar que nuestro personal militar haga todo lo posible en el planeamiento de las operaciones militares y la ejecución de ataque en áreas urbanas pobladas para considerar los efectos directos, indirectos y de reverberación sobre las personas civilas y los objetos civiles que se puedan prever, y tomar medidas de mitigación adecuadas para limitar el riesgo de daño a las personas civilas y a los objetos civiles.

Alt 3.4: Evaluar los posibles efectos de área de las armas explosivas, los factores operativos y contextuales que puedan influir en su uso en diferentes circunstancias, como la presencia de civiles y los efectos directos, indirectos y de reverberación que se puedan prever, con el fin de garantizar que estos factores se reflejen en el planeamiento de las operaciones militares y en el proceso de toma de decisiones sobre el uso de tales armas, así como tomar medidas adecuadas para prevenir el daño a las personas civilas.

3.5 Garantizar el marcado, la limpieza, la eliminación o la destrucción de los restos explosivos de guerra en el momento en que en el contexto de la terminación de hostilidades activas y conforme al Derecho Internacional Aplicable, así como la adopción de medidas de educación sobre los riesgos en este contexto.

3.5(bis) Toma todos los pasos necesarios para manejar eficazmente la demanda y la alta de los explosivos, cumpliendo con la normativa existente sobre el comercio de armas y manteniendo el mayor estándar posible en el comercio de armas convencionales.

3.6 Mejorar la protección de civiles al identificar, desarrollar y intercambiar buenas prácticas para reducir los riesgos agregados para las personas civilas durante las operaciones militares en guerra urbana.

3.7 Facilitar la difusión e entendimiento del Derecho Humanitario Internacional por todas las partes en conflictos armados.

Section 4

4.1 Fortalece la cooperación internacional y la asistencia entre fuerzas armadas con respecto a intercambios de información técnica y políticas y doctrina táctica, con el fin de desarrollar un conjunto de buenas prácticas para mejorar la protección de civiles y promover el cumplimiento.
with International Humanitarian Law. As a starting point, a working group of interested parties could agree a toolbox of good practice, which could form the basis for structured military-to-military exchanges, workshops, and seminars and other initiatives.

4.2 Collect and, where appropriate, share disaggregated data on the direct, and indirect and reverberating impact on civilians of our military operations involving the use of explosive weapons in urban populated areas, including by sex, age and disability, as well as the type of weapons used, their effects and location.

4.3 Support the United Nations, the ICRC and other organisations, as well as civil society to collect capturing data on the impact of military operations involving the use of explosive weapons in populated urban areas, as appropriate, to complement and support the role of States in this area.

4.4 Make every effort Do our utmost to provide assistance to victims, families and affected communities including medical care, physical rehabilitation, psychological support, social and economic inclusion, in a holistic, integrated and non-discriminatory manner, taking account of the rights of persons with disabilities, as well as support towards the full enjoyment of their rights and full participation in the societies and supporting post-conflict stabilisation. Victims refer to the persons injured, survivors, family members of those killed and/or injured and affected communities.

4.4(bis) Support post-conflict stabilization efforts in consultation with affected communities.

4.4(ter) Prevent and remediate the environmental impacts and the infrastructure-related damage caused by the use of the explosive weapons in populated areas.

4.5 Provide and facilitate rapid and unimpeded access for humanitarian relief to all persons in need.

4.6 Support the United Nations, the ICRC, other international organisations and relevant civil society organisations in actions aimed at protecting and assisting civilian populations and addressing the direct, and indirect and reverberating humanitarian impact of the use of explosive weapons with wide area effects in populated areas.

4.7 Encourage appropriate cooperation with local stakeholders, civil society experts, and humanitarian organisations specialised in this field.

4.8 Meet biannually periodically to review the implementation of this declaration, share lessons learned and identify any relevant additional measures that may need to be taken to improve compliance with existing International Humanitarian Law and strengthen the protection of civilians and civilian objects with regard to the use of explosive weapons with wide area effects in populated areas.

4.9 Actively promote this declaration, distribute it to all relevant stakeholders and seek adherence to it by the greatest possible number of States.

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