

Article36

EXPLOSIVE WEAPONS

PROTECTING CIVILIANS
FROM THE USE OF
EXPLOSIVE WEAPONS IN
POPULATED AREAS



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A returnee makes his way through piles of bricks in a heavily damaged part of Aleppo's Old City, 5 November 2017.
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EXECUTIVE SUMMARY

Bombing and shelling in towns and cities has a devastating impact on civilians. People are killed and injured. Buildings collapse. Power, water or sanitation infrastructure is destroyed, shutting down the essential services upon which the population depends. People flee, seeking comparative safety elsewhere.

The result is a clear and documented pattern of harm: death, physical and psychological injury, and an erosion of public health. These effects are directly linked to combatants decisions to use explosive weapons – weapons that project blast and fragmentation effects outwards from the point of detonation – in areas where civilians are concentrated.

Over the last decade there has been a growing recognition by states and humanitarian organisations of the serious and long-term harm from the use of explosive weapons in populated areas. It has been a central theme of the UN Secretary-General's reports on the protection of civilians in armed conflict, and is identified as a leading cause of harm to civilians by over 80 states.

This report brings together the central themes of that policy discussion and sets out pathways towards stronger civilian protection. It considers the physical features of explosive weapons – which are central to how their use causes harm – and it looks at the characteristics of that harm, from the direct and immediate effects on people to the wider societal costs. The second half of the report considers the mechanisms available to limit or prevent such harm in the future. International humanitarian law plays a central role, but so too do operational policies and procedures, and broader political efforts.

Critical to improving the protection of civilians from the effects of explosive weapons is a recognition among responsible actors of the direct relationship between the scale of ‘area effects’ that a weapon will produce and the risk of harm it presents to civilians in a populated area, coupled with a commitment to act. Recognition of this technical reality is already embedded in the operational policies and practices of certain armed actors – policies and practices that should lead them to avoid the use in populated areas of explosive weapons that have wide area effects. Recognition of the technical factors that create wide area effects is also fundamental to any effective implementation of the established legal rules.

As discussion on this theme continues within multilateral policy and legal frameworks, states committed to the protection of civilians need to develop a political instrument that promotes the further development of operational policies and procedures that work to avoid the use of explosive weapons with wide area effects in populated areas. Such a political instrument should also promote efforts to respond to the harm that is caused - from gathering data on harms to ensuring humanitarian access and recognising the rights of victims.

Over the last ten years, the pattern of harm from the use of explosive weapons in populated areas has become a central humanitarian policy concern. Relentless bombardment of towns and cities, and the resulting humanitarian crises, has highlighted the need for action at all levels – from the operational to the international – to better protect civilian populations from the deadly and destructive effects of explosive weapons.

In a context of growing urbanisation, and with strong policy recommendations on this issue from the UN Secretary-General and the International Committee of the Red Cross (ICRC), among others, states should take decisive political action now that will set a stronger standard for civilian protection in the future.



The remains of the MSF Trauma Centre building in Kunduz, northern Afghanistan, following the 3 October 2015 US airstrike on the facility that killed more than 20 MSF staff members and patients
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INTRODUCTION

Over the last century, the international community has become progressively less accepting of the blanket use of explosive force across populated areas. New international rules constraining the bombardment of towns and cities were developed in response to the inhumanity of carpet bombings in World War II and the conflicts of the 1960s and 70s.

Over the last decade, civil society organisations, media outlets and, with the birth of social media, civilians living through conflicts have documented the extensive, at times unprecedented, harms caused by the use of explosive weapons in populated areas. The UN Secretary-General, the President of the ICRC, and an ever-growing number of states have acknowledged grave human costs resulting from the use of explosive weapons in populated areas, as well as the urgent need to address it. In particular, this acknowledgment includes a recognition that explosive weapons presenting wide area effects create a distinct threat to civilian protection when used in populated areas. Widespread blast and fragmentation, or some randomness in where explosive warheads might land, means that civilians are not being adequately protected when these weapons are used in towns and cities. Where such attacks are repeated, or where multiple warheads are detonated across an area, the harm is multiplied still further.

It is already clearly illegal to carry out attacks that are directed at civilians or civilian objects. The problem with using explosive weapons that have wide area effects in a populated area is that these effects may extend beyond the military target, and the military target may not even be struck, placing civilians at a very high risk of harm.

Responsible militaries have already recognised the direct connection between the scale of a weapon's area effects and risk posed to the civilian population. It is on that recognition that they have based certain operational policies and procedures that work to mitigate harms by guiding or controlling the choice of weapons that will be employed.

With more and more people living in towns and cities, the challenge for the international community is to adopt and encourage further such constraint; to build an expectation that explosive weapons with wide area effects will not be used where civilians are concentrated, and to promote the practical operational procedures to avoid such use. With rapid urbanisation and an increase in urban warfare over recent years, it is critical to return to the broader moral trajectory – one that makes widespread bombing and bombardment in populated areas less and less acceptable.

The essential foundation for further constraint is recognition of the humanitarian problem, including recognition that explosive weapons share common characteristics of blast and fragmentation around a point of detonation; that 'populated areas' describes those areas, such as towns and cities, where civilians are concentrated; and that this combination of technology and context underpins a pattern of civilian harm.

Recent decades continue to present stark and tragic examples of where constraint and respect for international law have broken down. State and non-state groups have violated existing legal rules and there remains little capacity to ensure accountability for such actions. Other states claim to be fully implementing international humanitarian law whilst undertaking attacks that have killed thousands of civilians. In the face of such a situation, responsible states continue to call for law to be respected. But they must also show leadership to develop and extend the practical operational tools that can avoid this pattern of harm.

The apparent failure of certain states and non-state groups to protect civilians cannot justify a failure on behalf of responsible states to promote operational and procedural measures to strengthen civilian protection in practice - just as a disregard for legal rules by some does not justify the wholesale abandonment of the law by all.

The current, persistent pattern of harm from the use of explosive weapons in populated areas is not inevitable. It is within the power of responsible actors to continue the process of promoting constraint in the use of explosive force – building recognition of the severity of human suffering, and by working together to develop the practical tools that can avoid that harm in the future.



Views of Beit Hanoun, one of the neighbourhoods most affected by the bombings in northern Gaza.
© Yann Libessart/MSF

PART 1

EFFECTS

This section outlines the technical characteristics of explosive weapons and the forms of direct harm that have been documented from the use of these weapons. Central to this issue is a recognition that the technical characteristics of a weapon have a direct relationship to the threat posed to a civilian population. So whilst the rules of international law apply to the use of all weapons, some pose graver risks than others – requiring that operational policies and procedures limit the risk of harm that they may cause.

CHARACTERISTICS OF EXPLOSIVE WEAPONS

The term ‘explosive weapons’ represents a broad yet distinct category of weapons that use the detonation of explosive materials to affect targets – usually through the powerful forces exerted by blast and fragmentation. They range from the comparatively small, such as hand-grenades, through to much larger aircraft bombs and ground-launched rockets and missiles. Although the term ‘explosive weapons’ encompasses numerous subcategories used in the classification and management of weapons, this broad category shares a common central mechanism of harm. The power of explosive weapons, and their tendency to affect an area around the point of detonation, means that they are primarily the tools of the military and of warfare rather than of policing.

CLASSIFICATION SYSTEMS

The term ‘explosive weapons’ creates a classification based on the central mechanism for causing damage or harm. Weapons are classified in many different ways. Common distinctions include whether weapons are air-dropped or ground launched, whether they are ‘guided’ or ‘unguided’, whether they are fired at a target ‘directly’ (line of sight) or ‘indirectly’ (in an elevated arc) ¹ or whether they are professionally manufactured (explosive ordnance) or improvised (IEDs). All of these different classification approaches co-exist, being useful for different communities for different purposes.

Blast and fragmentation effects

Because they function by the detonation of high explosive material, explosive weapons create a distinct set of physical effects. These can be modified by changing the type and quantity of explosives, the shape of the explosive charge, the casing material of the weapon and through changes to external factors, such as whether it will detonate above or below the ground. The basic immediate effects of explosive weapons are:

- × **A ‘blast wave’** – a wave of pressure that radiates out from the detonation at high speed;
- × **Fragmentation** – material is broken up and projected outwards from around the point of detonation, creating high-velocity fragments – this can include both ‘primary fragmentation’ (such as shrapnel from the munition itself) and ‘secondary fragmentation’ (such a debris from the surrounding area);
- × **Heat** – the detonation of explosives creates high temperatures.

These effects cause harm to people and damage buildings and other objects in the area of the detonation. Blast, fragmentation and heat can kill and injure people directly, but they can also cause fires and the collapse of buildings which may extend the harmful effects of the weapon.²

Whilst explosives can be engineered to focus effects very specifically, such as in the ‘shaped charges’ used to penetrate armoured vehicles, the generally tendency of explosives is to project blast and fragmentation outwards, into the area around the detonation.

“Wide area effects”

The powerful effects of explosive weapons radiate outwards: they affect an area around the detonation, rather than striking a point in the manner of a single bullet. How far these effects extend has a direct bearing on the number of people or objects affected – in other words, on the degree of humanitarian harm and damage they will inflict.

A weapon with wider area effects will, assuming an even population density, necessarily affect a larger population than a weapon with narrower area effects. This simple mathematical fact makes weapons with wide area effects, when used in populated areas, a particular issue of concern.

‘Explosive weapons with wide area effects are prone to cause harm beyond the targeted military objective and put civilians at grave risk of death or injury when used in areas containing concentrations of civilians due to scale of explosive force, inaccuracy of delivery or use of multiple warheads.’

ARES (2016), “Explosive weapons in populated areas: Technical considerations relevant to their use and effects”, prepared for the International Committee of the Red Cross.

There is broad agreement that wide area effects from explosive weapons result from three characteristics, either individually or in combination:

- × A substantial blast and fragmentation radius resulting from a large explosive content (such as might be produced by large aircraft bombs);
- × Inaccuracy of delivery, meaning that the weapon may land somewhere within a wide area (such as might occur with artillery systems);
- × Use of multiple warheads or multiple firings that spread explosive force across a wide area (such as occurs with multi-barrel rocket launchers).

Weapons with very high explosive content tend to project explosive force across a wide area, which may extend significantly beyond the actual object being attacked. For weapons that are dropped from aircraft or fired from the ground, the impact area of a weapon is further extended by uncertainty about where the actual detonation will take place.³ Not only does the operator need to place the aim-point of the weapon correctly in relation to the desired location for the strike, but weapons that are dropped or fired are then subject to variation in where they land compared with where they are aimed.⁴ This statistical variation can mean that, in certain situations, an explosive warhead can be more likely to detonate amongst the surrounding population than to detonate on a specific target. This risk to civilian populations is amplified by the use of multiple warheads and repeated firings to compensate for such uncertainties and inaccuracies.

By extending the weapon's effects beyond the intended target these factors create a high likelihood of severe civilian harm at the time of the attack. They also increase the likelihood of damage to surrounding structures, including infrastructure critical for the civilian population. This greatly increases the indirect effects that can result, such as from the destruction of housing, schools, hospitals, and systems of water and sanitation. Thus, wide area effects greatly elevate both the direct and indirect harm likely to result from an attack.

INDIRECT FIRE WEAPONS

Indirect fire weapons, such as field artillery and mortars, fire projectiles towards a target that the operator might not be able to see. They can be used to strike at targets over a long distance, firing the projectile up into the air for it to land down in the target area. This method of delivering fire is subject to numerous technical and environmental factors that limit accuracy and precision, which come on top of the technical challenges of aiming at a target one might not be able to see directly. There are techniques that can be used to mitigate these challenges, but indirect fire weapons are prone to creating wide area effects.

POPULATED AREAS

The impact of explosive weapons is of particular humanitarian concern when they are used in 'populated areas'. In an area where civilians are concentrated, the wider the area effects of a weapon, the greater the risk to that civilian population. Although there is no single agreed definition, "(densely) populated area" and "concentration of civilians" are well-established legal notions in relation to the protection of civilians and the regulation of the conduct of hostilities⁵. CCW Protocol III on incendiary weapons states that "concentration of civilians" means "any concentration of civilians, be it permanent or temporary, such as in inhabited parts of cities, or inhabited towns or villages, or as in camps or columns of refugees or evacuees, or groups of nomads".⁶ The unanimously adopted UN Security Council Resolution 2139 on Syria made appeals against the employment of weapons in 'populated areas'.⁷ The term 'populated areas' is accepted as political language that can be used to control the use of weapons, and in "concentrations of civilians" it has a parallel in international law.

CHARACTERISTICS OF HARM

The use of explosive weapons in populated areas causes broad, substantial and ongoing harm to civilians. Immediate mortality and injury, as well as longer-term damage and destruction, will vary depending on specific factors such as the magnitude of the explosion, the proximity of victims and whether the explosion took place in a closed or open environment. But the characteristics of such harm in conflicts ranging from Syria and Iraq to Somalia and Ukraine nevertheless fit a recurring pattern unique to explosive weapons. This pattern encompasses both immediate and ongoing physical and psychological suffering.⁸

Direct harms

A pattern of civilian suffering

The collection of data on civilian harm in situations conflict and sustained violence is notoriously difficult. Efforts made to track the casualties caused by use of explosive weapons internationally, based on English-language media-reporting, suggests there has also been a steady rise in civilian deaths over recent years. Data collected in 2016 suggests that of those reported killed and injured by the use of explosive weapons in populated areas, 92% were civilians – a figure which has been at this consistently high level over the past five years.⁹ It is notable that the proportion of civilians amongst reported casualties is far greater in these attacks taking place in populated areas as opposed to those taking place elsewhere. A significant number of these casualties will result from attacks that deliberately target civilians (or are not targeted at any specific military objective) – a violation of international law.¹⁰ Many others, however, result from the use of weapons where effects extend beyond, or strike around, any intended target. In both cases, the scale of these area effects increases the number of people exposed to harm.

Immediate effects of explosive weapons on the human body

The death and injury of civilians is the most immediate and visceral form of harm caused by explosive weapons. Medical authorities have described the ability of explosions to inflict "multi-system life-threatening injuries on many persons simultaneously".¹¹ Civilians next to the detonation of a large explosive weapon are almost inevitably killed, their bodies so torn by the blast force that rescuers, medical workers and family members may be unable to find and identify their remains. There are four primary mechanisms of direct harm from explosive weapons:

- × Heat from an explosion can cause severe burns to those at close range. Such burns can be severe and very difficult to treat.
- × The blast wave of explosive force can cause traumatic amputation of limbs and fatal blood-loss, traumatic brain injuries, and systemic air embolism (the most common fatal primary blast injury among those who initially survive the explosion).¹² Other internal organs, particularly gas and fluid-filled structures such as the ear and abdomen, are also vulnerable to blast damage that can result in death or permanent injury.
- × Weapon fragments (or 'shrapnel') and other material are projected by an explosion into the bodies of those in the vicinity, particularly in urban or built-up areas where damage to buildings and other objects and can create additional flying debris. Fragments can cause traumatic amputations, puncture wounds and lacerations.
- × People can also be propelled into other objects or crushed by collapsing or heavily damaged structures, resulting in death or life-altering injuries including complex fractures, and spinal or brain damage.

EFFECTS OF BLAST AND FRAGMENTATION ON CHILDREN

The impact of blast and fragmentation wounds can be especially acute in children, whose smaller, younger bodies are more vulnerable and for whom treatment can prove more difficult.¹³ As their bones are more pliable, and their bodies still growing, physical injuries can be difficult to treat and rehabilitate. Exposure to explosive weapons use can also be particularly traumatic to children at a critical time in their psychological development, with long-term effects on their mental health.

The multiplicity, severity and complexity of wounds present a significant challenge to immediate medical care. Damage and ongoing use of explosive weapons can also render large areas inaccessible to emergency services and others, making reaching the dead and wounded extremely difficult for first responders in the immediate aftermath. Even where treatment is possible, the number of casualties can overwhelm medical resources in societies that are resource-poor or beset by conflict. As a result, civilian access to assistance and emergency relief can often be severely curtailed over sustained periods.¹⁴ This is compounded by attacks on healthcare services and workers, and by the impact of explosive weapons on the healthcare system. The ICRC has identified attacks on healthcare facilities, vehicles and personnel as common features of conflict¹⁵, and has identified explosive weapons as a primary cause of impairment to healthcare systems at a time when these systems are needed the most.

Longer-term harm to people directly affected

For survivors, the injuries they suffer can result in long-term debilitating physical conditions including loss of limbs, blindness, loss of hearing and brain trauma.¹⁶ Beyond the sustained, often permanent, impact of these physical injuries, those exposed to explosive weapons – including first responders and medical personnel – can also suffer severe mental trauma and patterns of psychological harm including post-traumatic stress disorder.¹⁷ This can have far-reaching consequences, with survivors struggling to function in an occupation or in social settings, and suffering elevated risks of chronic disease.¹⁸ Deepening the challenges, many conflict-affected states lack the medical and social service infrastructure to provide ongoing and longer-term support for survivors suffering physical or psychological harm.

EXPLOSIVE REMNANTS OF WAR

After the immediate violence has ceased, explosive remnants of war – including weapons that failed to detonate on impact, or munitions that have been abandoned or left in stockpiles by fighters – continue to pose a threat to civilians. Not only do they threaten death or injury on detonation, but their presence can complicate or inhibit attempts at reconstruction and community rehabilitation by rendering contaminated areas unsafe.¹⁹

The physical and psychological harm to people directly exposed to explosive force is the most immediate set of effects from explosive weapon use. However, the effects get extended to a significantly wider population, and present in a wider variety of forms, as a result of the capacity for explosive weapons to destroy buildings, infrastructure and the interconnected systems that sustain society.

Systemic harms

The impact of explosive weapons reaches beyond those immediately and directly affected by a detonation; further effects on communities and infrastructure extends their impact, in different forms, to a wider population and over a longer period of time.

Explosive weapons have significant capacity to damage social and economic infrastructure and, after intensive or extended use, can completely devastate cities, leaving large swaths uninhabitable.²⁰ The destruction of housing, health facilities, schools, markets, roads and transport links, and utilities such as power, water and sanitation, results in an additional pattern of suffering for affected populations. In the short term, the impact of explosive weapons on buildings, places of commerce and transport routes can deprive civilians of basic necessities such as access to healthcare, clean water, electricity, food and shelter, which serves as a further driver of displacement.²¹ In the longer term, it can undermine local and national capacity for production and growth, and thereby the broader state economy. At a time when governments, civil society and businesses are together working with the UN to mobilise efforts to achieve the Sustainable Development Agenda by 2030, the widespread use of explosive weapons in populated areas is severely impeding, even rendering impossible, the achievement of numerous Agenda goals, leaving civilians in conflict-affected states vulnerable to being left behind.²²

Housing and shelter

Use of explosive weapons in populated areas frequently damages or destroys homes to the extent they become uninhabitable. The loss of shelter dramatically increases civilian vulnerability to natural hazards and violence, and may directly force people into displacement.

Destruction of shared spaces

The destruction of shared spaces, including places of worship and commercial facilities, can further fracture communities, eroding social support networks and undermining financial stability, with predictably negative knock-on effects to the psychosocial well-being of survivors.²³ The financial losses and livelihood insecurity incurred when market places, business centres or factories are hit also persist. This destruction of the built environment constitutes a large-scale loss of capital that many conflict-affected states struggle to recover from over an extended period.

Impact on healthcare services

Explosive weapons pose a key threat to public health and healthcare in situations of armed conflict, and can severely undermine the right to health for civilians living in conflict-affected or post-conflict areas. This is true whether health centres are deliberately targeted or whether they are damaged in the course of an attack on another target. A 2011 study by the ICRC identified the use of explosive weapons as the leading cause of damage to healthcare facilities in wars around the world²⁴, and in 2016 a UN Security Council Resolution condemned attacks on medical facilities and personnel, noting the increase in such attacks over recent years.²⁵ Direct damage to hospitals, clinics, ambulances and transport infrastructure makes accessing healthcare difficult or impossible.²⁶ Damage to key utilities, such as water and electricity supply, can leave medical facilities without light, heat, and basic sanitation. Communications between hospitals, and

with ambulance services, can be cut by damage to phone towers and lines. Where attacks and shelling are ongoing, hospitals can become severely understaffed as both medical and skilled repair and reconstruction workers are killed or prevented from travelling to medical sites.

Destruction of water and sanitation structures

The destruction of water and sanitation systems causes immediate and long-term public health effects. An upswing in infectious, sanitation-related diseases including cholera and typhoid has frequently been observed in populated areas subjected to bombardment.²⁷ Clogging of sewers by debris and disruptions to wastewater systems or treatment plants can pollute the natural environment and agricultural land, contaminating drinking water and food sources.²⁸

Increased toxicity in the environment

The broader environmental legacy of conflict is challenging to document, but the long-term harm to human health posed by toxic remnants of war introduced or released into the environment by explosions, including hazardous chemicals, heavy metals, and fuel hydrocarbons, is increasingly recognised.²⁹

Demographic factors:

Children

These systemic harms affect whole populations, but are particularly acute in relation to children who are rendered especially vulnerable by the destruction of safe spaces such as homes, hospitals and schools. They face long term damage to their education, and therefore future opportunities, as well as their physical and mental health.³⁰ The bombing and shelling of schools and universities disrupts not only the education of those who attended a particular school, but many more children whose parents keep them home rather than expose them to the risk of being killed or maimed by explosive attacks. In Syria, the UN estimates that one in four schools has been attacked, and disruption to education posed by the bombing has led some to warn of a “lost generation”,³¹ lacking both education and socio-economic prospects.

Demographic factors:

Women

Women have been identified as experiencing increased exposure to violence and exploitation when forcibly displaced. In contexts where women’s opportunities for employment are culturally limited, death or injury of a (usually male) breadwinner can create economic impoverishment that is difficult to address. Women are also exposed to specific health risks such as miscarriage or death during childbirth due to inadequate health-care.³²

Reverberating effects

Where explosive weapons damage social infrastructure, whether deliberately or as a result of their effects extending beyond the intended target, this can cause further waves of harm. Destruction of hospitals, housing or schools has a direct effect on access to healthcare, shelter and education. Where explosive weapons damage infrastructure critical to the provision of power, water and sanitation, it causes a further harm, cutting off services that depend on these capacities. Destruction of vital power, water, sanitation and transport infrastructure can cause health, social and economic effects far beyond the immediate area or the immediate time and place of the blast.

Referred to as ‘reverberating effects’ by the ICRC³³, such effects show how damage caused by explosive weapons can propagate through the interconnected infrastructures that support populated areas, extending the harm caused both in time and geography. Extended damage to social, economic and health systems means that explosive weapons inflict harm not only through blast and fragmentation, but also from increases in disease due to poor sanitation and impaired healthcare, or through the vulnerabilities experienced by people displaced from their bomb-damaged homes. When they rise to a certain scale, such effects undermine not just basic human rights but strike at efforts to achieve key global developmental targets including the Sustainable Development Goals.³⁴

The use of explosive weapons in populated areas can critically impair or completely destroy components of vital infrastructure on which civilians rely, with wide and long-term effects on health and wider social and economic functioning.

Given the concentration and interconnection of infrastructure systems in towns and cities, explosive weapons, in particular those with wide area effects, have an elevated likelihood of causing extended harm when they are used in these densely populated areas.



A civil defence member runs at a site hit by an airstrike in the rebel-held besieged Douma neighbourhood of Damascus, Syria, 23 November 2016.
© REUTERS/Bassam Khabieh

PART 2. EXPLOSIVE WEAPONS AND GLOBAL CRISES

The extensive use of explosive weapons in populated areas is central to some of the last decade's greatest humanitarian and political crises, including mass displacement, entrenched cycles of conflict, and violence associated with extremist movements and state efforts to defeat them. Whilst the use of explosive weapons is typically a symptom of political crisis, it has served to translate political problems into extensive human suffering, often extending political crises in the process. Whilst the use of explosive weapons may seem a 'normal' or 'inevitable' component of how certain political problems manifest themselves such a normalisation should be resisted as it risks masking both a full understanding of the problem and potential opportunities more effectively to mitigate harm. For example, in the section below we consider how the use of explosive weapons in populated areas serves as a specific driver of displacement, but we also consider the potential for attention to the use of explosive weapons to provide a more effective indicator of political crises developing.

A PROBLEM: FORCED DISPLACEMENT

Relentless bombardment of towns and cities in conflict zones is contributing to unprecedented levels of mass displacement. The number of people forced from their homes globally is thought to be 65.6 million, a record high.³⁵ According to the UN, among them number some 22.5 million refugees, 55% of whom come from Syria, Afghanistan, and South Sudan³⁶: three countries currently suffering extensive explosive weapon use.

The specific drivers of displacement during conflict can be myriad and complex and are often the result of interrelated factors. But among these, the use of explosive weapons in populated areas has been identified as a major cause of initial and protracted displacement.

- × Bombing and shelling of homes and neighbourhoods is a major factor in civilians' decisions to flee their homes.³⁷
- × The destruction of housing and critical infrastructure is a substantial barrier to their return.

The use of explosive weapons has clear implications for the initial displacement of civilians.³⁸ Living under the threat of bombing and shelling is terrifying: people flee areas under attack due to the fear of being killed or injured, a fear often sharpened by the death or injury of a loved one or neighbour. Homes caught in the blast zone can be rendered uninhabitable, while damage to or destruction of commercial property and means of production, such as factories, can undermine livelihoods.

The impairment of critical infrastructure, including through damage to sanitation facilities and disruption of access to clean water and electricity, can mean that for civilians caught in conflict zones remaining

in their neighbourhoods rapidly becomes untenable. Compounding these direct effects is often a recognition that further use of explosive weapons is likely, threatening further risk of death and worsening of the difficulties civilian populations are already facing.

Extended use of explosive weapons in populated areas can also lead to secondary or even multiple displacements as civilians continue to move in search of safety and access to basic services.³⁹ Once forced to flee, a lack of infrastructure and livelihoods can prevent those displaced from returning. Explosive remnants of war can also contaminate civilian places of work and shelter, further impeding the safe return of civilians and prolonging their displacement.

AN OPPORTUNITY: CONFLICT WARNING

Over recent decades, increasing efforts have been dedicated to developing structured mechanisms to prevent, prepare for, mitigate and resolve armed conflict. Contemporary conflicts are, however, rarely formally declared. Instead, there is more often a grey area between peace and conflict, with the transition from one to the other murky and ill-defined.⁴⁰ This is particularly true in cases of non-international armed conflict (or 'civil wars'),⁴¹ in contexts where states undertake attacks abroad against specific individuals or non-state groups, and where organised criminal and gang violence produces militarised state responses.⁴²

Whilst recognising that the categorical boundary of armed conflict is often uncertain or contested, still it is of central importance to international policy debates and can play a role in determinations of the appropriate legal framework. Distinctions around whether a country is experiencing armed conflict or 'mere' unrest, and whether the conflict is international or internal, or some hybrid of the two, inform and guide the responses proposed.⁴³

In this context – and given that explosive weapons are generally excluded from the normal function of domestic policing – the transition to using explosive weapons by a state marks the crossing of a threshold.⁴⁴ Where a state uses explosive weapons within its own territory it suggests a distinct movement from internal civil unrest towards armed conflict. Such a shift in the choice of weapons considered acceptable or necessary should be recognised as a clear indicator of escalation to conflict. The use of explosive weapons communicates a lack of state control over a situation and a comparative disregard for the safety of the surrounding population.

Transition to explosive weapon use, from a generally accepted position that non-use of explosive weapons is a characteristic of social and political 'normality', is a distinct and readily verifiable indicator of political crisis developing. Such an indicator should be explicitly incorporated into conflict warning frameworks and should be an explicit consideration in the categorisation of a violent situation as an armed conflict.

IMPROVISED EXPLOSIVE DEVICES

The use of explosive weapons clearly intersects with concerns around 'acts of terror' typically associated with extremist groups and non-state actors (NSAs) more broadly. Armed groups have for decades used explosive violence to deadly effect and are currently protagonists in some of the world's most violent conflicts. The use of certain improvised explosive devices (IEDs), such as car-bombs and person-borne suicide bombs, to strike at targets in towns and cities, create shocking and high-profile incidents. Such attacks continue to be a major cause of harm. In many cases these attacks have been directed at civilians, in clear violation of international law. Where large explosive yields are used, spreading the blast and fragmentation across a wide area, the risk to civilians is elevated regardless of whether the target is civilian or military.

In data gathered on reported incidents of explosive weapon use in populated areas a significant proportion of attacks are attributed to the use of IEDs. Yet, due to a methodology based on specifically reported individual incidents, such data gathering mechanisms systematically under-report more widespread use of explosive weapons. This results in certain IEDs such as car-bombs and person-borne IEDs, which are often used in clearly distinct attacks, presenting as a greater proportion of overall explosive weapon use than is really the case.⁴⁵

Using a blanket category of 'improvised explosive devices' (IEDs) can also mask important distinctions between, for example, car bombs and improvised rockets or 'barrel bombs'. As a category, the defining feature of IEDs is their 'improvised' (rather than conventionally manufactured) mode of production.

Where IEDs are proposed as a policy ‘problem’, such a defining feature inevitably suggests ‘solutions’ or ‘responses’ that focus on limiting or preventing capacity for improvised production, rather than on behaviours in the use of weapons that can provide more wide-ranging options for stronger civilian protection.

In a similar vein, a focus on ‘barrel bombs’ in certain contexts risks drawing attention away from the fact that such weapons are simply one (improvised) example of an air-dropped explosive weapon with wide area effects. There is a danger that focusing on non-conventionally produced weapons and their users is politically convenient for states unwilling to curb the use of wide area explosive weapons in populated areas more generally.

There are also dangers in linking the problem of explosive weapons use in populated areas simply with the actions of high-profile armed groups. It risks amalgamating all non-state armed actors together and associating all such actors with illegal attacks on civilians. This can mask the fact that some non-state armed groups may not deliberately target civilians and may even expressly seek to avoid or minimise the humanitarian harm caused by their use of explosive weapons.⁴⁶ It can also lead to a focus on IEDs at the expense of recognising the common use of commercially-manufactured explosive weapons by non-state armed groups.⁴⁷

PART 3. STRUCTURES FOR PREVENTING AND RESPONDING TO HARM

The patterns of harm described in the previous sections of this report should be the focus of a concerted international response. Recent years have seen international political work aimed at steering action towards stronger civilian protection from the use of explosive weapons in populated areas – work that is focused on promoting practical commitments to prevent and respond to harm. This final section of the report considers the key structures that frame such a response – the constraints provided by international law, the established obligations of states towards ‘victim assistance’, and the potential of military policy and practice to be developed to offer greater protection for civilians.

INTERNATIONAL LAW

Explosive weapons are not defined or regulated as a category under international law⁴⁸, but their use must comply with international legal rules, including those of international humanitarian law (IHL) and international human rights law (IHRL).⁴⁹

International Human Rights Law (IHRL)

Although IHRL standards on the use of force do not explicitly exclude explosive weapons from policing operations, their deployment in such situations is rare, with states struggling to justify their use even in situations where law enforcement officials confront suspected ‘terrorists.’⁵⁰ Use of explosive weapons can negatively impact the enjoyment of a range of human rights, most immediately the right to life, because the hazard they pose to humans is usually greater than can be justified to achieve a legitimate law enforcement aim.⁵¹ As a result, their use is difficult to reconcile with the legal requirement to plan law enforcement operations involving the use of force in such a way as to minimise the risk of loss of life among suspected offenders and bystanders.⁵²

International humanitarian law (IHL)

In contrast to policing operations, states do commonly use explosive weapons for military combat during armed conflict. Such use must comply with IHL, which protects civilians against dangers arising from military operations, and requires that all parties to an armed conflict - states and non-state actors alike - distinguish civilians and civilian objects from combatants and military objectives, and only attack the latter.⁵³ Civilians are, thus, protected against attack (unless and for such time as they take a direct part in hostilities). To ensure respect for IHL, all states have a legal obligation to prosecute and punish those responsible.⁵⁴

Aside from direct attacks on civilians (which are clearly illegal), use of explosive weapons in populated areas exposes the civilian population and infrastructure ‘to heightened – and even extreme – risks of incidental or indiscriminate death, injury or destruction’.⁵⁵ Such use may in some circumstances fall within the confines of the law. However, the high levels of civilian harm documented across a range of contemporary armed conflicts raises urgent questions about the interpretation and implementation in present practice of the basic IHL rules of distinction, proportionality and precautions in attack (including questions about the assessment of long-term harm in the application of legal rules).

Distinction: IHL prohibits attacks that are not directed at a specific military objective, as well as the employment of a weapon which cannot be directed at a specific military objective (a weapon that is ‘indiscriminate by nature’).⁵⁶ Unobserved, unguided, long-range artillery fire, for example, has well-known limitations in terms of precision and accuracy.

Key questions:

- × When is an explosive weapon deemed to be dirigible enough and sufficiently directed?
- × What levels of accuracy and precision are required?
- × Which explosive weapons in common usage are deemed ‘indiscriminate by nature’ in the context of a populated area?

IHL further prohibits the employment of a weapon whose effects cannot be limited as required under IHL, as well as ‘area bombardment’, which treats a number of clearly separated and distinct military objectives located in a populated area as a single military objective.⁵⁷ ‘Area weapons’ like cluster munitions or multi-barrel rocket launchers are designed to affect a wide area, and if a heavy bomb is dropped to damage a single building within a city neighbourhood, the blast and fragmentation effects will likely damage neighbouring structures.⁵⁸

Key questions:

- × Within a populated area, when are the effects of an explosive weapon deemed to be sufficiently limited?
- × When does the use of an ‘area weapon’ amount to ‘area bombardment’?

Proportionality: The principle of proportionality aims to limit the harm caused to civilians by prohibiting attacks where the anticipated incidental civilian harm would be excessive in relation to the concrete and direct military advantage sought.⁵⁹

Key question:

- × What is done to adequately characterise the systemic and ‘reverberating effects’ of explosive weapon use, and how are these factored into the proportionality assessment of any individual attack?

Precautions in attack: IHL requires that those who plan or decide upon an attack take all feasible precautions in the choice of means and methods of attack with a view to avoiding or minimising, incidental civilian harm.⁶⁰ Choices regarding the munition type, fuze-type or -setting, aim point, impact angle, and many other factors will determine the risk of incidental civilian harm.

Key question:

- × What is done to characterise adequately how such choices affect the risk of civilian harm and what level of risk is deemed to comply with this rule?

The current tendency for conflict to be fought in population centres - which puts civilians at significant immediate and longer-term risk - is unlikely to change in the near future. Weapons designed to create explosive effects over a large area are clearly unsuited for use in such settings: to effectively protect civilians, armed actors will need to adapt their tactics and procedures – several already are.

At the political level, efforts should be made to promote such a revision of operational policies and procedures to better understand how area effects of explosive weapons related to the risk of civilian harm, and to avoid the use, in populated areas, of explosive weapons that have wide area effects. This would strengthen the protection of civilians, and promote respect for IHL and IHRL by drawing a normative boundary against practices of armed violence that bear “a significant likelihood of indiscriminate effects”.⁶¹

VICTIM ASSISTANCE

Recent legal instruments responding to the harm caused by certain types of weapons have built a recognition that such a response needs to address the harm experienced by people. The concept of ‘victim assistance’ has developed as a mechanism for promoting and guiding how states fulfil their obligations to enable people affected by violence to fully enjoy their human rights.

The high number of people suffering from the harm and destruction caused by the use of explosive weapons presents a significant challenge for responding to the needs of victims in the immediate aftermath of an attack and in the longer term. Yet the scale of this challenge cannot be a justification for abandoning the human rights-based principle that the needs of victims and survivors must be addressed. The concept of ‘victim assistance’ in international law has evolved over the last 20 years. Developed primarily through the two treaties that now prohibit specific explosive weapons - the Mine Ban Treaty, and more substantially in the Convention on Cluster Munitions (CCM)⁶² - it obliges states to meet the immediate and long-term needs of people affected by specific weapons. Its non-discriminatory framing and history of implementation provides guidance for how the rights of victims can be approached in the context of explosive weapons more broadly.

Obligations and guidance for implementation under these frameworks have emerged over the past two decades through the work of states, advocacy organisations, and victims directly. States have the primary responsibility to address the rights and needs of victims living in their territories. Other states have also accepted a responsibility to help affected countries meet these obligations, where they are in a position to do so. International organisations and NGOs also can, and frequently do, contribute to victim assistance, particularly where state capacity is low.

As victim assistance is now broadly understood, victims include those who have been killed by, or have been injured and survived the use of specific weapons, as well as their families and wider affected communities.⁶³ In the context of explosive weapons, this would also include those forcibly displaced. The range of activities involved in victim assistance should include: data collection to understand the extent of needs and challenges; emergency and ongoing healthcare, rehabilitation measures and psychological support; measures for socio-economic inclusion; and the development of relevant laws and policies by states with participation of victims and their representative organisations.⁶⁴

Political commitments to provide victim assistance should promote activity and raise standards, including for the participation of victims and representative organisations in national and local planning. Based on past experience, such processes do not duplicate or create parallel systems or special treatment for any group but can drive action within existing structures where they are available. It is a policy field that is underpinned by principles of inclusion and non-discrimination.⁶⁵

Recommendations for addressing victim assistance in a future international commitment by states to protect civilians from the use of explosive weapons in populated areas have been developed by Humanity and Inclusion (HI).⁶⁶ Drawing on consultations with a wide range of stakeholders, as well as the standards set by the Convention on Cluster Munitions, the commitments they recommend include ensuring that the basic needs of survivors, families and communities are met (including safety and shelter); that access is provided to support services for healthcare, rehabilitation and inclusion; and that assistance is provided to compensate for the loss of homes and livelihoods.⁶⁷

MILITARY POLICIES AND PRACTICE

We indicated at the conclusion of the section above on international law that there was a need to develop military policies and procedures to ensure that the area effects of explosive weapons are considered in efforts to spare civilians, and to avoid the use in populated area of those weapons that have wide area effects. There are already strong conceptual and practical foundations for such an approach, as we outline in the section below.

A common feature across many military policies and procedures controlling the use of weapons is a recognition of the direct relationship between the use of explosive weapons, the scale of their area effects, and the risk this presents to surrounding civilian populations. There is clearly capacity for basic agreement that in towns and cities, where there are large numbers of civilians and a concentration of civilian infrastructure, certain weapons pose elevated risks of civilian harm. At the operational level, a recognition of these risks – and the benefits of reducing them – is evident in various policy and procedures employed by certain militaries. Strengthening and further promoting such approaches should be a central component of efforts to strengthen civilian protection from the use of explosive weapons.

General approaches avoiding harm from explosive weapons

There are a number of operational procedures used by militaries that focus on restricting or otherwise reducing the area effects of weapons as way of reducing the expected level of civilian harm in any given attack. Similar procedures and mechanisms are also used to protect ‘friendly forces’ from harm.

- × Collateral damage estimation (CDE) methodologies, are tools employed by some militaries to estimate the risk of harm to civilians. This is then weighed against the anticipated military advantage of a planned or deliberate attack as part of the evaluation of ‘proportionality’ required by international humanitarian law (IHL). Such methodologies factor in assumptions about the size and density of the civilian population in an area,⁶⁸ and draw on the area effects of weapons as a central and direct technical factor that influences the likelihood and likely levels of civilian harm.⁶⁹ Not all militaries employ this procedure however, and those that do, do not always evaluate the actual impact of attacks against these estimations. Militaries have acknowledged that these procedures are not undertaken for certain explosive weapons beyond a certain level because their wide area effects mean that the risk of civilian harm cannot be mitigated further.⁷⁰
- × Escalating the level of command authority required for the use of certain weapons in certain contexts, and ensuring sufficient accountability mechanisms, has also been used to manage risks of harm. By ensuring that a more senior commander needs to authorise the use of certain weapons, such as those that may have wide area effects, an additional layer of scrutiny can be put in place to ensure that potential civilian harm has been fully assessed and all possibilities to avoid that harm have been considered.⁷¹

× More stringent rules of engagement can restrict the use of certain explosive weapons in populated areas for specific operational contexts. The articulation of such rules is often driven by militaries themselves, and has been associated with reduced civilian harm.⁷² The San Remo Handbook on Rules of Engagement proposes a mission-specific policy for controlling indirect fire such that “use of all indirect fire is prohibited in ... populated areas”, suggesting these concerns are more broadly echoed among military experts in this area.⁷³

Specific operational policies restricting the use of explosive weapons in populated areas

Operational directives and ‘lessons learned’ have highlighted the risks posed by certain types of explosive weapons and have promoted efforts to reduce these.⁷⁴ Where implemented, such policies and procedures have limited the use of explosive weapons with wide area effects in populated areas through a range of practical steps, including direct restrictions on the use of specific weapons in particular contexts. In 2010, AMISOM forces in Somalia responded to rising levels of civilian casualties by adopting an indirect fire policy that limited the use of mortars and other indirect fire weapons in populated areas.⁷⁵ Forces were to “avoid” the use of indirect fire weapons – which include many surface-to-surface weapons such as artillery and mortars⁷⁶ – unless in situations of “extreme self-defense”.⁷⁷

In Afghanistan, the International Security Assistance Force (ISAF) developed and implemented tactical directives restricting the use of air-to-ground and indirect fire weapons. Specific restrictions on the use of these weapons in residential compounds were put in place, coupled with the adoption of an assumption that areas with civilian buildings are inhabited unless demonstrated otherwise and elevating the level of authority for approval of strikes to commanders.⁷⁸ Other efforts to reduce civilian casualties have included: avoiding indirect fire explosive weapons when alternatives are available; additional training in the use of indirect fire weapons; promoting the use of ‘low collateral damage’ munitions; increasing the safety zone around targets from which civilians should be excluded; and other technical adjustments aimed at improving accuracy.⁷⁹ In both of these operations, the use of policies of avoidance and restraint highlighted broader concerns over the use of specific types of explosive weapons systems for both humanitarian and military-strategic purposes.

Wider approaches to promoting civilian protection

Alongside specific operational policies and procedures, a focus on tracking the impact of military operations on local populations has offered additional opportunities for civilian protection. Civilian casualty tracking mechanisms have already been successfully employed by militaries to better understand the level and nature of civilian harm, and to develop plans and actions more effectively to limit this.⁸⁰ No strike policies have also been used to avoid harm to civilians by identifying infrastructure, buildings and other entities deemed as sensitive such as medical facilities, hospitals, key infrastructure, housing, and religious buildings that should not be attacked – though states must be cautious that such lists do not erode the legal obligation to presume civilian status for people and objects in situations where there is doubt. More broadly, specific policies on civilian protection can also change operational mind-sets by, for example, working against a “shoot first” mentality⁸¹ and promoting tactics such as “tactical patience” that can save civilian lives.⁸²

A political commitment to develop, adopt and promote operational policies and procedures to avoid the use of explosive weapons with wide area effects in populated areas would be a significant step towards stronger civilian protection. Such a commitment should also be partnered with practical measures that assess and monitor civilian protection in conflict situations – measures many militaries already undertake. Doing this properly, however, requires dedicated capacity as well as presence on the ground in the area of operations. A commitment at the political level would consolidate and build on existing military practice, as well as promote transparency and the sharing of practices aimed at better civilian protection. By encouraging robust operational policies to reduce civilian harm at a national level, a political commitment would in turn promote a stronger expectation of civilian protection more widely in the future.

INTERNATIONAL POLITICAL ACTION

A commitment to avoid the use of explosive weapons with wide area effects in populated areas requires political will at the international level. Recognition of the harm explosive weapons cause is not lacking: many states and multilateral organisations have expressed concern over the past decade. In 2009 the UN Secretary-General emphasised the humanitarian devastation caused by explosive weapons in populated areas, particularly those with wide area effects, and urged member states consider the issue further.⁸³ This concern was echoed in the UN Secretary-General’s report ahead of the 2016 World Humanitarian Summit, which described the use of explosive weapons in populated areas as “the primary killer of civilians in conflict”.⁸⁴ Other high-level UN officials including the Emergency Relief Coordinator and the Special Representative to the UN Secretary-General on Children and Armed Conflict have similarly drawn attention to the issue.⁸⁵ This has been echoed among states: around 80 have publically expressed concern against the backdrop of stark examples of harm, most recently in Afghanistan, Cote d’Ivoire, Gaza, Iraq, Syria, Ukraine and Yemen, to name just a few.

‘Stop the use of heavy explosive weapons in populated areas.’

Action-point six from the 2015 joint warning issued by the The Secretary-General of the United Nations, Ban Ki-moon, and the President of the International Committee of the Red Cross (ICRC), Peter Maurer⁸⁶

Moving from concern to action

In 2011 the International Network on Explosive Weapons (INEW) launched with a call to prevent human suffering from the use of explosive weapons in populated areas, and a commitment to build the political will to make this achievable. INEW is a civil society project that provides a framework for non-governmental organisations from a range of backgrounds to work together to address issues raised by the use of explosive weapons in populated areas. Since 2011, a wider range of actors have adopted a call to ‘avoid’ or ‘refrain’ from the use of ‘explosive weapons with wide area effects’ in populated areas as a direct means to address severe human suffering. There has also been a growing recognition that, alongside avoiding certain use, the collection of robust data and the sharing of good practice are key to consolidating a framework around the use of explosive weapons that adequately protects civilians from harm.

Avoiding use of explosive weapons with wide area effects in populated areas

INEW has noted that stopping use of the worst types of explosive weapons in populated areas – those with wide area effects – will provide the most effective way to provide additional protection to civilians in conflict.⁸⁷ This is in line with recommendations from the ICRC⁸⁸ and the UN, where Security Council Resolutions⁸⁹ and successive Secretary-Generals have called on states to ‘avoid’ or ‘refrain’ from the use of explosive weapons with wide area effects in populated areas.⁹⁰

Support for this position is also evident amongst a diverse and growing number of states.⁹¹ Most recently, at a late-2017 regional conference in Mozambique, a group of 19 African states jointly committed to “avoid the use of explosive weapons with wide area effects in populated areas”.⁹² This builds on the 2016 World Humanitarian Summit where 28 states as well as regional bodies including the European Union and the Organisation of Islamic Coopera-

tion jointly agreed a core commitment to “promote and enhance the protection of civilians and civilian objects...for instance by working to prevent civilian harm resulting from the use of wide-area explosive weapons in populated areas...”.⁹³

Data collection

Several states have also committed to collecting data on civilian harm as well as sharing examples of good policies and lessons learned to protect civilians. They also agreed to develop effective measures to address civilian harm from explosive weapons, including an international political declaration.⁹⁴ Recognising the importance of reliable information on the immediate and long-term human impact of the use of explosive weapons in populated areas, civil society organisations have already put significant effort into collecting and analysing data from conflict and post-conflict environments.⁹⁵ It is important however that states also gather data to assess any use of explosive weapons and resulting harm to civilians, as well as to build understanding of the victim and survivor populations in their territory.

Sharing policy and practice

The sharing of knowledge and expertise, including experiences, good practice, and policies, will be crucial as more and more states, and notably their militaries, move to address the severe harms caused by the use of explosive weapons in populated areas. As a first step, armed actors will need to review, develop and share policies that address the use of explosive weapons in populated areas, not least so that both the deficiencies and past successes in civilian protection may be identified.⁹⁶

Towards a political declaration – a basis for stronger civilian protection

In 2013 the UN Secretary-General called on states to engage constructively in efforts towards developing a ‘political commitment’, as a means to start addressing this problem. Such a commitment would take the form of a shared political declaration – through which states recognise the problem and set out concrete actions that they will take in response. Political declarations are not binding in the same way as international law – but they can be a tool for mobilising action and building stronger norms. Austria has taken leadership in a process to start developing such a political declaration and has engaged other states and civil society partners in expert consultations on what such a declaration should contain.

Function of a declaration

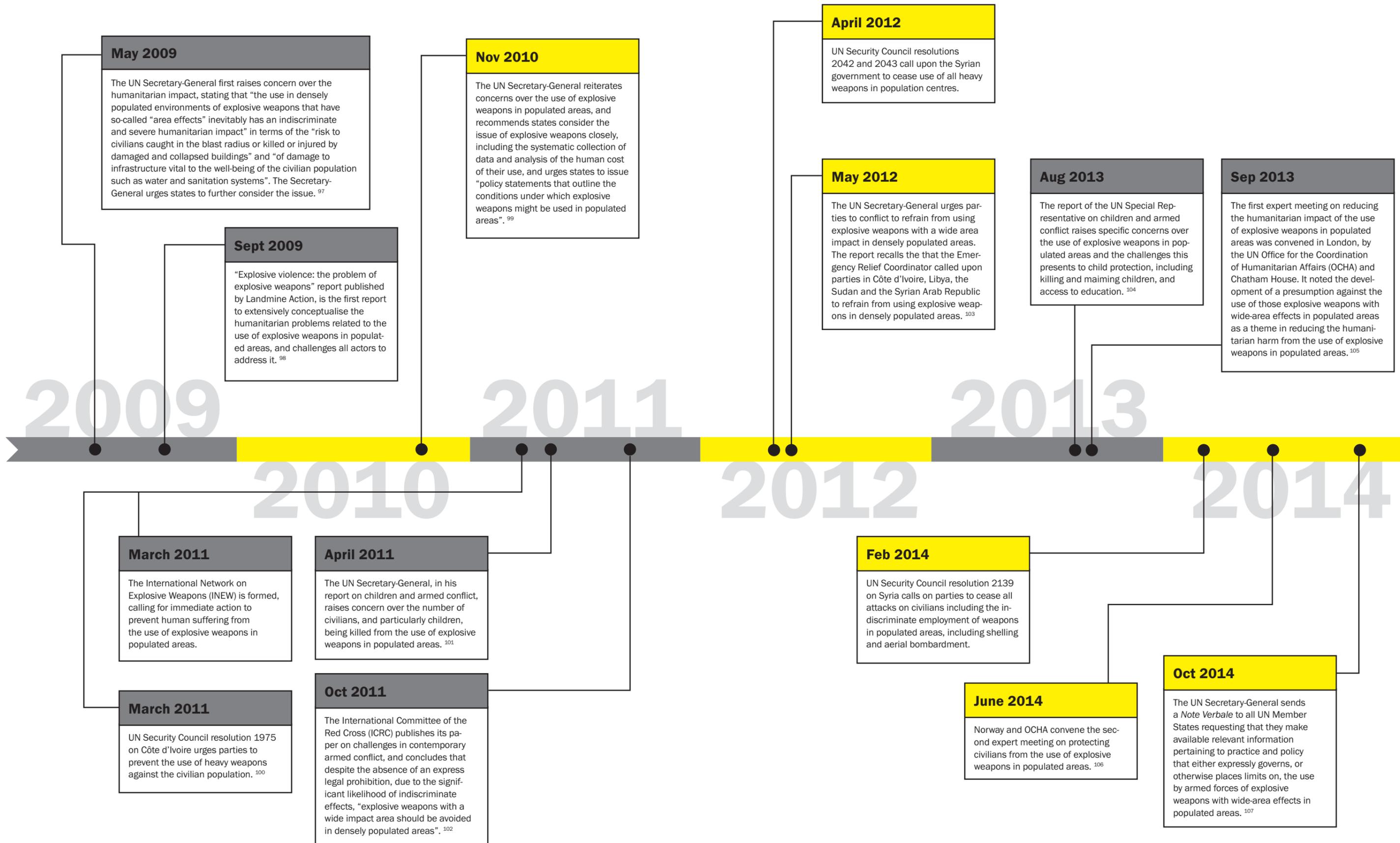
× The development of an international political declaration can help to set a new international standard, serving as a tool to drive forward positive policies and practice at a national level, establishing new norms, and building a community of positive practice. It can also help to stigmatise harmful behaviour and communicate the type of behaviour it is seeking to stop. This approach has been seen on other issues addressed through political instruments, including the Safe Schools Declaration aimed at protecting education from attack.

Content of a declaration

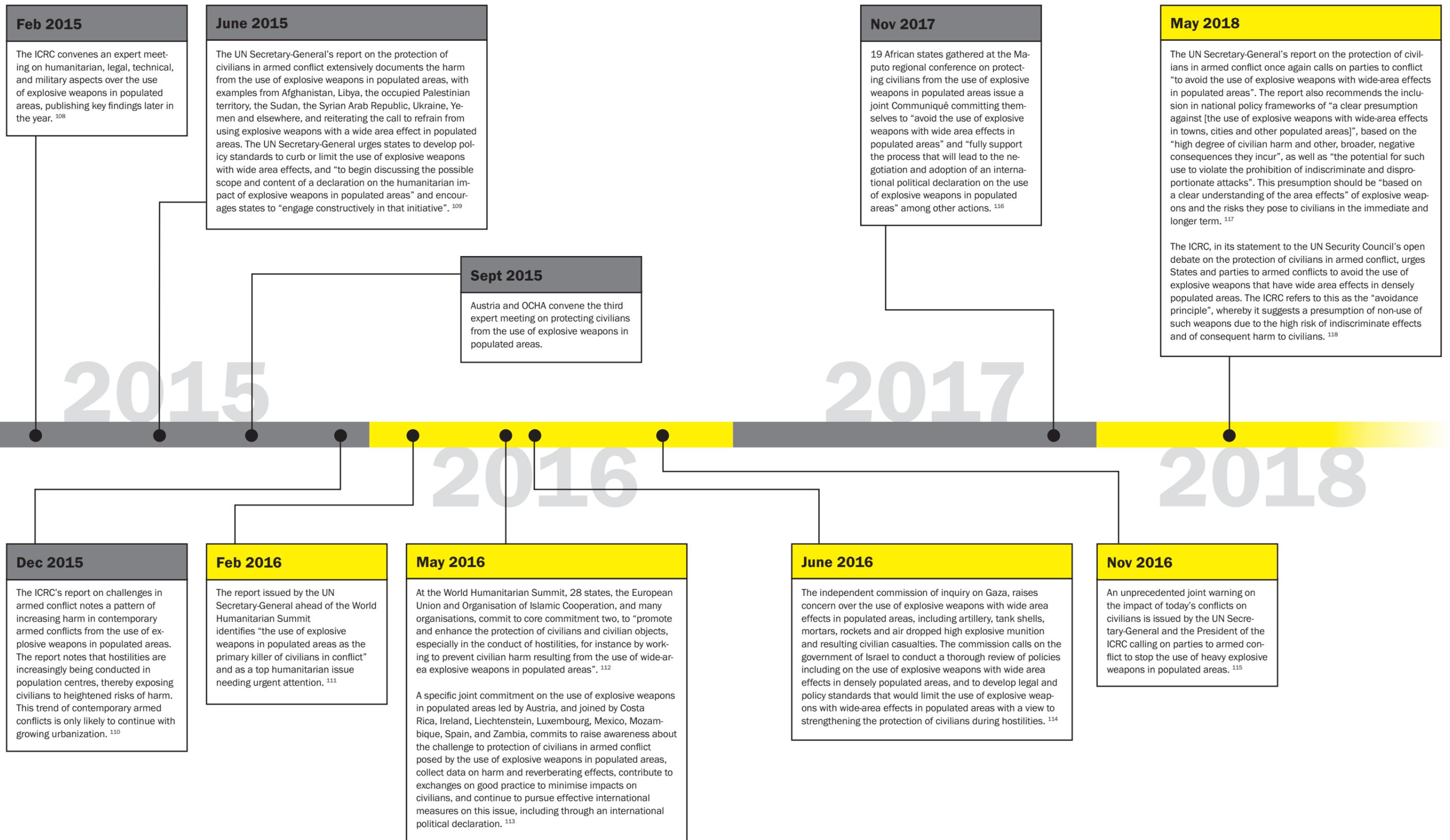
- × Discussions on the content of a declaration are starting, including the type of actions needed by states in order effectively to address this humanitarian problem. Those states pursuing a declaration broadly agree that it should set a political and operational direction against the use in populated areas of explosive weapons with wide area effects, as those that expose civilians to the gravest risks. INEW has suggested that a political declaration be developed as a vehicle to:
 - × develop operational policies and procedures to stop the use of explosive weapons with wide area effects in populated areas;
 - × provide assistance to victims and affected communities;
 - × enable humanitarian and protection measures;
 - × support and undertake data gathering;
 - × build a community of practice, including through regular meetings to discuss the issue and progress towards reducing harm.

A political declaration should be seen as a tool for driving forward change by encompassing a series of action-oriented commitments on a variety of issues. Whilst it will not change the pattern of harm from explosive weapons overnight, nor necessarily change behaviour of the worst offenders, it can draw attention to this distinct issue and provide specific policy and operational recommendations that can shift behaviour in a positive direction over time.

TIMELINE (POLITICAL ACTION)



TIMELINE (POLITICAL ACTION)





A young girl peeks out of the door to her makeshift home, built after her real house was destroyed in the Ezbet Abed-Radu area of Gaza. A huge proportion – about 75 per cent – of the population of Gaza is under 25, so thousands of children and young people were heavily affected by the conflict. This particular town was razed almost entirely to the ground during Operation Cast Lead in January 2009.
© Marc Garlasco

CONCLUSION

As societies – and war – become increasingly urbanised, civilians are confronted on a daily basis with bombing and shelling in the places where they live. In some towns and cities, the experience of conflict has become so ingrained that this seems normal and unavoidable. In certain situations, where there appears to be scant regard for the basic rules of international humanitarian law, there seems little prospect for introducing, let alone successfully enforcing, more restrictive expectations of behaviour.

Yet, processes of building stronger protection for civilians can never rest on appeals to the worst offenders. Nor should the rejection of basic norms of behaviour by certain state and non-state actors precipitate a wholesale rejection of such norms. Rather, the international community needs to make the norms of behaviour that protect civilians stronger and more effective, by building on the commitment of responsible actors to adopt policies and practices that lead by example. Progressively curbing the scale of explosive force that is considered acceptable in populated areas is essential for improving civilian protection.

Whilst militaries may fear the adoption of constraints that could limit their options in times of acute crisis, such fears should not bar the way to recognising certain technical facts: the size of area that an explosive weapon may affect has a direct relationship to the risk posed to the surrounding population; a wider area of effects, and a greater concentration of civilians, will produce a greater level of immediate harm; a wider area of effects, often resulting from greater explosive power, will produce a greater likelihood of destroying buildings and infrastructure on which the civilian population depends, further extending – both temporally and geographically - the harm that will be caused.

These technical realities are increasingly coming to bear on what is considered acceptable in conflict. Certain weapon systems have such wide area effects that it is not plausible to claim that they can be directed towards a specific target within a populated area. Others have area effects that make any such claims fraught with risk. In an international context of contested claims to truth about conflict and the application of legal rules, the more concrete questions of what weapons are being used, how and where, take on increased significance as indicators of responsible behaviour or otherwise.

People subject to the effects of explosive weapons in the towns and the cities where they are trying to live their lives deserve a more ambitious response than the international community has thus far mustered. We should not lower ourselves to accepting the experience of conflict-affected communities as inevitable. Instead, their suffering should act as imperative to setting stronger expectations of civilian protection for future generations.



Abs hospital airstrike aftermath, Hajjah, Yemen, 19 August 2016. A hospital worker salvages the remains of undamaged medication and equipment left in the emergency room after the 15 August Saudi-led coalition airstrike which destroyed the hospital killing 19. © Rawan Shaif



Street scene in Aleppo, from April 2013.
© MSF

NOTES

1. The NATO Glossary of Terms and Definitions (2014) defines “indirect fire” as “fire delivered at a target which cannot be seen by the aimer.”
2. For a more detailed analysis for the ‘damage mechanisms’ of explosive weapons see ARES (2016), “Explosive weapons in populated areas: Technical considerations relevant to their use and effects”, prepared for the International Committee of the Red Cross, pp.13-17.
3. This in turn depends upon the size of the military objective and the extent to which it can be separated from the civilian population and its buildings and infrastructure.
4. Such variation is usually represented in terms of the statistical likelihood of the warhead landing within a certain distance of the point where it is aimed. There are numerous factors that contribute to this variation; some are systemic to the weapon, such as variations in the barrel through which the munition is fired, others are specific to individual firings, such as alignment of the weapon, variations in the munition, weather conditions or crew performance. Some factors can be mitigated, but for any weapons system there will always be some degree of variation in where repeated firings land. The effect of any inaccuracy of delivery is always combined with the blast and fragmentation radius of the warhead—at whatever scale that operates. Further analysis of factors that can affect the accuracy or precision of a weapon can be found in GICHD (2017), “Explosive weapon effects – final report”, Geneva, pp.25-39 and ARES (2016), “Explosive weapons in populated areas: Technical considerations relevant to their use and effects”, pp.28-34.
5. UNIDIR (2012), “Protecting Civilians from the Effects of Explosive Weapons: An analysis of international legal and policy standards”, p 125.
6. United Nations, Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects, Protocol III, Article 1 (2).
7. Security Council Resolution 2139 (2014) adopted unanimously on 22 February 2014 demands that parties to the conflict in Syria cease “the indiscriminate employment of weapons in populated areas.” Whilst legally this formulation is highly problematic (as all indiscriminate attacks are illegal) it does demonstrate that the term ‘populated areas’ can be used as a policy formulation for managing the use of weapons. In a 2017 report of the UN Secretary-General (S/2017/982) on the implementation of Security Council Resolutions relating to Syria (including Resolution 2139) it was noted that, “explosive weapons continue to be fired into populated areas, indiscriminately killing and injuring people, destroying and damaging vital infrastructure and leaving thousands of communities in areas littered with explosive remnants of war that continued to kill and injure civilians and impede humanitarian access years after their intended use.”
8. See, for example, Save the Children (2017) “Invisible Wounds: The impact of six years of war on the mental health of Syria’s children”; Harvard Law School International Human Rights Clinic and PAX (2017), “Operating Under Fire: The effects of explosive weapons on health care in the East of Ukraine”; Action on Armed Violence (AOAV) (2016), “Patterns of Harm: Five years of explosive violence 2011-2015”; Humanity and Inclusion (HI, formerly Handicap International) (2016) “Syria, a mutilated future”; AOAV (2011), “100 Incidents of Humanitarian Harm: Explosive weapons in populated areas”.
9. AOAV (2017), “Explosive Truths: Monitoring explosive violence in 2016”.
10. See section “International law”, p 26.
11. Centers for Disease Control and Prevention, “Explosions and Blast Injuries: A primer for clinicians”.
12. Ibid.
13. Save the Children (2015), “Nowhere safe for Yemen’s children: The deadly impact of explosive weapons in Yemen”.

14. ICRC (2015), "Health Care in Danger: January 2012 to December 2014". See also the ICRC's Health Care in Danger project at <https://bit.ly/1N8ZYxW>, and Insecurity Insight's Aid Work in Danger project at <https://bit.ly/2vOfUqo>.
15. ICRC (2011), "Health Care in Danger: Making the case".
16. See, for example, HI (2014), "Causes and types of injuries encountered by Handicap International while working with Internally Displaced Persons in Syria: A focus on the impact of explosive weapons"; OCHA & AOAV (2015), "State of Crisis: Explosive weapons in Yemen"; OCHA & PAX (2015) "Shattered lived: Civilians suffer from the use of explosive weapons in Libya"; OCHA & PAX (2015) "Collateral: The human cost of explosive violence in the Ukraine".
17. Article 36 (2013), "The impact of explosive violence on mental health and psycho-social well-being"; Save the Children (2017) "Invisible Wounds: The impact of six years of war on the mental health of Syria's children".
18. Landmine Action (2009) "Explosive Violence: The problem of explosive weapons".
19. HI (2015), "Kobani: A city of Rubble and Unexploded Devices".
20. The extensive use of mortars, rockets and other unguided munitions – fundamentally inaccurate weapons – in the battle over Mosul devastated the city, with reports that 40,000 civilians died. Human Rights Watch, "Iraq/US-led Coalition: Weapons Choice Endangers Mosul Civilians", Human Rights Watch, 8 June 2018; "The Massacre of Mosul: 40,000 feared dead in battle to take back city from Isis as scale of civilian casualties revealed", Independent, 19 July 2017. In Raqqa, it was reported that 20,321 munitions were dropped on the city over a five-month period, amounting to about 133 munitions every day, making 80% of the city uninhabitable. "International airstrikes and civilian casualty claims in Iraq and Syria – October 2017", Airwars, 22 Nov. 2017; "Syria Crisis: Northeast Syria Situation Report No.16 (1-30 September 2017)", UNOCHA, 30 Sept. 2017.
21. Article 36 (2013), "Damage to the built environment from the use of explosive weapons".
22. UNIDIR (2016), "The implications of the Reverberating Effects of Explosive Weapons Use in Populated Areas for Implementing the Sustainable Development Goals".
23. Article 36 (2013), "Damage to the built environment from the use of explosive weapons".
24. ICRC (2011), "Health Care in Danger: A sixteen country study"
25. Security Council Resolution 2286 (2016) on Protection of Civilians in Armed Conflict, available at: [http://undocs.org/S/RES/2286\(2016\)](http://undocs.org/S/RES/2286(2016))
26. Harvard Law School International Human Rights Clinic and PAX (2017), "Operating Under Fire: The effects of explosive weapons on health care in the East of Ukraine".
27. See, for example, "Cholera in Yemen: war, hunger, disease... and heroics", The Lancet, August 2017.
28. ICRC (2017), "The impact of explosive weapons on urban services: Direct and reverberating effects across space and time". See also UNDP post-disaster needs assessments, for example UNDP (2014), "Detailed Infrastructure Damage Assessment" p.11-12.
29. For more details, see: Toxic Remnants of War (2014), "Pollution Politics: Power, Accountability and Toxic Remnants of War".

30. In 2015, UNICEF UK reported the wide range of often overlooked impacts explosive violence can have on children: "Unremitting anxiety and exposure to violence can undermine children's psychological development, impairing cognitive and sensory growth. It is now largely accepted that exposure to violence can threaten the development of children's brains and lay the foundations for cycles of intergenerational violence." UNICEF UK (2015), "Keeping Children Safe in Emergencies"; Save the Children (2015), "Nowhere safe for Yemen's children: The deadly impact of explosive weapons in Yemen"; Save the Children (2016), "Childhood under siege: Living and dying in besieged areas of Syria".
31. Save the Children (2016), "Childhood under siege: Living and dying in besieged areas of Syria".
32. For more, see: Women's International League for Peace and Freedom (2014), "Women and explosive weapons".
33. See, for example, ICRC (2017), "Proportionality and precautions in attack: The reverberating effects of using explosive weapons in populated areas". See also UNIDIR (2016), "Understanding the reverberating effects of explosive weapons: A way forward".
34. Christina Wille (2016), "The Implications of the Reverberating Effects of Explosive Weapons Use in Populated Areas for Implementing the Sustainable Development Goals"
35. UNHCR (2017), "Global Trends: Forced displacement in 2016".
36. Ibid.
37. Human Rights Watch (2014) "Deadly cargo: explosive weapons in populated areas"; HI (2017) "Everywhere the bombing followed us".
38. In recent research by Humanity and Inclusion (formerly Handicap International), Syrian refugees testified to the impact of bombing and shelling of their homes and cities. HI (2017), "Everywhere the bombing followed us" and "Qasef".
39. Human Rights Watch, "Turkey: Open border to displaced Syrians shelled by government", 20 April 2016; HI (2017), "Everywhere the bombing followed us".
40. The most accepted definition of armed conflict among social scientists appears to be that of UCPD, who define conflict as: "a contested incompatibility that concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths." International Peace Research Institute, Oslo (PRIO), "UCDP/PRIO Armed Conflict Dataset Codebook", Version 4- 2013, p 1.
41. See, for example, the current conflict in Syria.
42. Geneva Declaration (2008), "Global Burden of Armed Violence"
43. For example, during the Northern Ireland "troubles", Northern Irish paramilitaries saw the "troubles" as a war, but this view was not reflected in Westminster or among the British public.
44. For more, see Landmine Action (2009) "Explosive Violence: The problem of explosive weapons" p 7.
45. This is made clear in the original report that introduced the media-report-based methodology for gathering data on incidents of explosive weapon use, Landmine Action (2009), "Explosive Violence: The problem of explosive weapons", p.22.
46. Geneva Call (2017), "In their words: Six armed non-state actors share their policies and practice with regards to protecting civilians from explosive weapons"

47. Ibid. The study by Geneva Call confirmed that non-state actors are also using commercially manufactured explosive weapons.
48. Certain types of explosive weapons are, however, subject to express legal restrictions, such as IEDs, landmines and cluster munitions (under 1996 Amended Protocol II to the Convention on Certain Conventional Weapons, the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, and the 2008 Convention on Cluster Munitions", respectively)
49. IHRL applies at all times, whereas IHL only applies in situations of (non-international or international) armed conflict.
50. In a case dealing with a "counter-terrorism operation" in a region of Turkey subject to a state of emergency, the European Court of Human Rights (ECtHR) found that, although recourse to lethal force may have been justified, the right to life of one of the alleged terrorists had been violated because the state failed to demonstrate that the force used did not go beyond what was absolutely necessary and strictly proportionate. ECtHR, *Mansuro lu c. Turquie*, Judgment (App. no. 43443/98), 26 February 2008, §§98, 100.
51. 1990 UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (BPUFF), in particular, Principles 5 and 9.
52. See, e.g. ECtHR, *McCann et al. v. The United Kingdom*, Judgment (Grand Chamber) (App no. 18984/91), 27 September 1995, §194; ECtHR, *Esmukhambetov v. Russia*, Judgment (App no. 23445/03), 29 March 2011, §146.
53. 1977 Additional Protocol I to the Geneva Conventions (API), Arts 48, 51(1) and 51(2).
54. GC IV common articles 1 and 49/50/129/146.
55. International Committee of the Red Cross (ICRC), 'International Humanitarian Law and the Challenges of Contemporary Armed Conflicts', Report submitted to the 31st International Conference of the Red Cross and the Red Crescent, Geneva, Switzerland, 28 November - 1 December 2011, October 2011, p. 41.
56. For example, V1 and V2 rockets, Scud missiles and Katyusha rockets are often cited as weapons that cannot be specifically directed and are therefore 'indiscriminate by nature', yet they are not currently specifically prohibited. J.-M. Henckaerts and L. Doswald-Beck, *Customary International Humanitarian Law*, 2 vols (Geneva, International Committee of the Red Cross, 2005), vol. II: Practice, Practice relating to Rule 71.
57. Arts 51(4)(c) and 51(5)(a), API
58. ICRC Commentary to Additional Protocol I (1987), §1963.
59. Arts 51(5)(b) and 57(2)(a)(iii), API
60. Art 57, API
61. "[T]he ICRC is of the view that explosive weapons with a wide impact area should not be used in densely populated areas due to the significant likelihood of indiscriminate effects, meaning that their use against military objectives located in populated areas is likely to fall foul of the IHL rules prohibiting indiscriminate and disproportionate attacks." ICRC, "International humanitarian law and the challenges of contemporary armed conflicts", doc no 32IC/15/11, October 2015, p 4
62. See "Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction," Article 6 and "2014-2019 Maputo Action Plan"; the "Convention on Cluster Munitions" Articles 2 and 5 and the "2015-20 Dubrovnik Action Plan". The standard of requiring victim assistance was also recently reiterated in the Treaty on the Prohibition of Nuclear Weapons, adopted in

2017, though without the detailed provisions included in the CCM. Victim assistance is also grounded in the principles of the Convention on the Rights of Persons with Disabilities.

63. See CCM Article 2
64. Handicap International (2014), "Victim assistance in the context of mines and explosive remnants of war".
65. Ibid.
66. Handicap International (2016), "Victim assistance in the context of the use of explosive weapons in populated areas".
67. Ibid. p10-11
68. Article 36 and PAX (2016), "Areas of harm: understanding explosive weapons with wide area effects", contains a more detailed analysis based on US policy as laid out in Chairman of the US Joint Chiefs of Staff, 2012, Instruction – No Strike Policy and Collateral Damage Estimation, 12 October 2012, online at <https://publicintelligence.net/cjcs-collateral-damage/>.
69. For example, US policy guidance to its commanders on conducting collateral damage estimates has raised challenges over the viability of conducting accurate estimates for certain types of explosive weapons – notably cluster munitions, rocket-assisted projectiles, extended range artillery, mortar and naval guns – because of difficulties in controlling the area effects of these weapon systems, which presents particular problems when used in urban areas. The policy also proposes the use of weapons with reduced area effects, particularly on smaller targets to reduce the risk of a munition landing in the surrounding area. As above.
70. Chairman of the US Joint Chiefs of Staff, 2012, Instruction – No Strike Policy and Collateral Damage Estimation, 12 October 2012, online at <https://publicintelligence.net/cjcs-collateral-damage/>
71. In Basra, Iraq in 2003, UK forces treated the city of Basra as a "restricted fire area" and only one regiment among UK forces was authorised to use 155mm artillery, and any use required permission from the regiment commander - above the usual level for artillery. See: Action on Armed Violence (2013), "A Tale of Two Cities: the use of explosive weapons in Basra and Fallujah, Iraq, 2003-4".
72. Article 36 and PAX (2016), "Areas of harm: understanding explosive weapons with wide area effects".
73. Institute of Humanitarian Law, San Remo (2009), "San Remo Handbook on Rules of Engagement", p.37 on Series 27: Unobserved Indirect Fire and Observed Indirect Fire, Rule 27(A).
74. For a more detailed overview see UN OCHA (2017), "Compilation of military policy and practice: Reducing the humanitarian impact of the use of explosive weapons in populated areas".
75. This policy required AMISOM to "avoid" the use of indirect fire weapons, forbidding in particular the use of 107mm mortars in salvoes, and required the designation of residential areas, markets, hospitals, schools, religious places of worship, and public gatherings as No Fire Zones on AMISOM maps due to the likelihood of civilian presence. See UN OCHA (2017), "Compilation of military policy and practice: Reducing the humanitarian impact of the use of explosive weapons in populated areas".
76. These present distinct operational challenges and humanitarian concerns as the target is not visible to the operator making it difficult to discern the presence of civilians in the area.
77. UN OCHA (2017), "Compilation of military policy and practice: Reducing the humanitarian impact of the use of explosive weapons in populated areas".

- 78.** Article 36 and PAX (2016), “Areas of Harm: Understanding explosive weapons with wide area effects”.
- 79.** *ibid.*
- 80.** This includes collecting, analysing and disseminating a standardised set of data on civilian casualties horizontally and vertically, and investigating all allegations regardless of their source. It puts an emphasis on learning from civilian casualty incidents, as well as near misses by identifying actions that can be taken and any changes necessary in techniques and procedures. It also requires immediate action to investigate operations, within a set timeframe and transparency in investigations. See UN OCHA (2017), “Compilation of military policy and practice: Reducing the humanitarian impact of the use of explosive weapons in populated areas”.
- 81.** See: Action on Armed Violence (2013), “A Tale of Two Cities: the use of explosive weapons in Basra and Fallujah, Iraq, 2003-4”.
- 82.** UN OCHA (2017), “Compilation of military policy and practice: Reducing the humanitarian impact of the use of explosive weapons in populated areas”.
- 83.** Report of the Secretary-General on the protection of civilians in armed conflict (2009), S/2009/277, p.8.
- 84.** Report of the Secretary-General for the World Humanitarian Summit (2016, A/70/709).
- 85.** INEW (2012), UN concerned over impact of explosive weapons in populated areas.
- 86.** “World at a turning point: Heads of UN and Red Cross issue joint warning”, 31 October 2015.
- 87.** See INEW’s statement to the meeting of High Contracting Parties to the UN Convention on Conventional Weapons, November 2017.
- 88.** Drawing on field expertise and experience, the ICRC’s position on this issue since 2011 has been that despite the absence of an express legal prohibition, and due to the significant likelihood of indiscriminate effects, “explosive weapons with a wide impact area should be avoided in densely populated areas”, see <https://www.icrc.org/eng/assets/files/red-cross-crescent-movement/31st-international-conference/31-int-conference-ihl-challenges-report-11-5-1-2-en.pdf>.
- 89.** These include UN Security Council resolutions on Cote d’Ivoire and Syria which have called (in various formulations) on parties to the armed conflict to avoid the use of heavy explosive weapons in populated areas. For example, resolution 2139 was adopted by the UN Security Council in 2014, demanding that all parties to the conflict in Syria “immediately cease all attacks against civilians, as well as the indiscriminate employment of weapons in populated areas, including shelling and aerial bombardment, such as the use of barrel bombs, and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering, see: Security Council Resolution 2139 (2014), S/RES/2139. [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2139\(2014\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2139(2014))
- 90.** See Reports of the UN Secretary-General on the protection of civilians in armed conflict, 2015-2018.
- 91.** State acknowledgements of harm from the use of explosive weapons in populated areas: www.inew.org/acknowledgements.
- 92.** The Maputo Communique on the protection of civilians from the use of explosive weapons in populated areas was adopted by 19 states, including: Angola, Botswana, Cameroon, Central African Republic, Congo, Ethiopia, Ghana, Kenya, Liberia, Madagascar, Mali, Mozambique, Nigeria, Senegal, Somalia, Togo, Uganda, Zambia, Zimbabwe, see: <http://www.inew.org/uncategorized/maputo-regional-conference-on-the-protection-of-civilians-from-the-use-of-explosive-weapons-in-populated-areas>.
- 93.** Aligned with by: Austria, Brazil, Chile, Croatia, Cyprus, Czech Republic, Denmark, European Union, Finland, Greece, Iceland, Italy, Liechtenstein, Luxembourg, Madagascar, Mexico, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Somalia, Sweden, Switzerland, Turkey.
- 94.** World Humanitarian Summit commitment on explosive weapons in populated areas (2015), <https://www.agendaforhumanity.org/commitment/495>.
- 95.** This has included including data on both direct deaths and long-term impact from reverberating effects from destruction of critical civilian infrastructure. See INEW resources page: <http://www.inew.org/learn-more-about-inew>.
- 96.** In 2010, the UN Secretary-General, in his report on the protection of civilians in armed conflict (S/2010/579), asked Member States to issue policy statements that outline conditions for which where explosive weapons might be used in populated areas: <http://www.inew.org/site/wp-content/uploads/SG-PoC-report-2010.pdf> This was followed in 2014 by a Note Verbale requesting that they make available relevant information pertaining to practice and policy that either expressly governs, or otherwise places limits on, the use by armed forces of explosive weapons with wide-area effects in populated areas. See: UN OCHA (2017), “Compilation of military policy and practice: Reducing the humanitarian impact of the use of explosive weapons in populated areas”.
- 97.** Report of the UN Secretary General on the protection of civilians in armed conflict (2009, S/2009/277)
- 98.** Landmine Action (2009), Explosive violence: The problem of explosive weapons
- 99.** Report of the UN Secretary General on the protection of civilians in armed conflict (2010, S/2010/579)
- 100.** www.inew.org
- 101.** Report of the UN Secretary-General on children and armed conflict (2011, S/2011/250)
- 102.** ICRC (2011), International Humanitarian Law and the challenges of contemporary armed conflicts
- 103.** Report of the UN Secretary-General on the protection of civilians in armed conflict (2012, S/2012/376)
- 104.** Report of the Special Representative of the Secretary-General for Children and Armed Conflict (2013, A/68/267)
- 105.** OCHA (2014), Expert Meeting on the Humanitarian Impact on the Use of Explosive Weapons in Populated Areas, Summary Report
- 106.** OCHA (2015), Informal Expert Meeting on Strengthening the Protection of Civilians in Populated Areas, Summary Report
- 107.** OCHA (2014), Compilation of Military Policy and Practice: Reducing the Humanitarian Impact of the Use of Explosive Weapons in Populated Areas
- 108.** ICRC (2015), Explosive Weapons in Populated Areas: Humanitarian, Technical, Legal and Military Aspects, Expert Meeting Report
- 109.** Report of the UN Secretary General on the protection of civilians in armed conflict (2015, S/2015/453)
- 110.** ICRC (2015), International Humanitarian Law and the challenges of contemporary armed conflicts
- 111.** Report of the Secretary-General for the World Humanitarian Summit (2016, A/70/709)
- 112.** Aligned with by States: Austria, Brazil, Chile, Croatia, Cyprus, Czech Republic, Denmark, European Union, Finland, Greece, Iceland, Italy, Liechtenstein, Luxembourg, Madagascar, Mexico, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Somalia, Sweden, Switzerland, Turkey, as well as International organisations and UN agencies: Food and Agriculture Organization of the United Nations (FAO), International Fund for Agricultural Development (IFAD), International Labour Organization (ILO), International Organization for Migration (IOM), Joint United Nations Programme on HIV/AIDS (UNAIDS), OCHA, Organisation of Islamic Cooperation (OIC), UN Special Representative of the Secretary-General for Children and Armed Conflict (SRSG CAAC), UN-HABITAT -United Nations Human Settlements Programme, United Nations Children’s Fund (UNICEF), United Nations Development Programme (UNDP), United Nations Entity for Gender Equality and the Empowerment of Women (UN WOMEN), United Nations High Commissioner for Refugees (UNHCR), United Nations Industrial Development Organization (UNIDO), United Nations Office for Project Services (UNOPS), United Nations Office for the Coordination of Humanitarian Affairs (OCHA), United Nations Office of the High Commissioner for Human Rights (OHCHR), United Nations Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (UN-OHRLS), United Nations Peacebuilding Support Office (PBSO), United Nations Population Fund (UNFPA), United Nations Relief and Works Agency for Palestine Refugees (UNRWA), United Nations World Food Programme (WFP). See <https://www.agendaforhumanity.org>
- 113.** World Humanitarian Summit website, <https://www.agendaforhumanity.org/commitment/495>
- 114.** Report of the detailed findings of the independent commission of inquiry established pursuant to Human Rights Council resolution S-21/1 (A/HRC/29/CRP.4)
- 115.** ICRC (2015): World at a turning point: Heads of UN and Red Cross issue joint warning
- 116.** Angola, Botswana, Cameroon, Central African Republic, Congo, Ethiopia, Ghana, Kenya, Liberia, Madagascar, Mali, Mozambique, Nigeria, Senegal, Somalia, Togo, Uganda, Zambia, Zimbabwe issued the Communique which can be found here: <http://www.inew.org/uncategorized/maputo-regional-conference-on-the-protection-of-civilians-from-the-use-of-explosive-weapons-in-populated-areas>
- 117.** Report of the UN Secretary-General on the protection of civilians in armed conflict (2018, S/2018/462)
- 118.** ICRC statement to UN Security Council open debate on protection of civilians in armed conflict, <https://www.icrc.org/en/document/icrc-statement-un-security-council-open-debate-protection-civilians-armed-conflict>

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