ICRC

Meeting of the High Contracting Parties to the
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 (CCW)

13-15 November 2019

Statement of the International Committee of the Red Cross (ICRC) under
Agenda item 9 – ‘Emerging issues’

Explosive weapons in populated areas

Thank you, Mr Chair.

The ICRC welcomes the large number of States that have spoken on the issue of explosive weapons in populated areas under this agenda item. We welcome in particular the widespread agreement of States on the need to strengthen respect for IHL in urban warfare. The increasing urbanization of warfare highlights the urgency of taking action to strengthen the protection of civilians, including through measures to address the significant likelihood of indiscriminate effects when explosive weapons with a wide impact area are used against military objectives located in populated areas.

When cities are bombed and shelled, the impact on civilians is devastating, as the ICRC continues to witness in many armed conflicts today. Countless civilians dead, gravely injured or disabled for life, and facing severe psychological trauma. Houses, schools, cultural monuments and places of worship in ruins. Cities in rubble, with infrastructure necessary for the functioning of basic services – water, sanitation, electricity, health care – damaged or destroyed, often beyond repair. This triggers a domino effect: essential services are disrupted or collapse, leading to more deaths, diseases, and displacement.

The ICRC welcomes the increasing recognition among the international community of these effects, which are both foreseeable and preventable. What is needed now is moving from recognition to action.
Explosive weapons with a wide impact area – such as large bombs and missiles, inaccurate weapons like most artillery and mortar systems, and multi-barrel rocket launchers – entail a high risk of indiscriminate effects. It is very challenging to employ these weapons in populated areas in conformity with key rules of IHL regulating the conduct of hostilities, notably the prohibitions of indiscriminate and disproportionate attacks. Indeed, in populated environments, where military objectives are in close proximity to civilians and civilian objects, civilians are particularly vulnerable to the use of explosive weapons that have a wide impact area, that is, that are likely to have effects well beyond the target. It is therefore urgent for States and parties to armed conflicts to review and adapt their policies and practices, in particular as regards the choice of weapons, to ensure respect for IHL and to minimize civilian harm when operating in urban areas.

Since 2011 the ICRC has been calling on States and parties to armed conflict to avoid the use of explosive weapons with a wide impact area in populated areas due to the significant likelihood of indiscriminate effects. This call was reiterated in a Joint Appeal issued by ICRC President, Peter Maurer and UN Secretary-General, António Guterres, last September, along with a call on States to take action in a number of areas – from training and equipping forces for urban warfare, to data collection and civilian casualty mitigation, to the development of limitations, common standards and operational policies to strengthen civilian protection.

An avoidance policy suggests a presumption of non-use, meaning that explosive weapons with a wide impact area should not be used in populated areas, unless sufficient mitigation measures are taken to reduce significantly the wide area effects of the weapons and the consequent risk of civilian harm, among other good practices to be put in place well in advance of military operations. These measures, in the form of guidance and “good practice”, should be put in place well in advance of military operations, faithfully implemented when hostilities are conducted in populated areas, and taken into consideration when transferring heavy explosive weapons to any recipient as well as when providing support to a party to armed conflict. An avoidance policy will strengthen the protection of civilians and facilitate compliance with IHL.

Mr Chair,
The ICRC welcomes the ongoing diplomatic process towards the elaboration of a political declaration to address the civilian harm caused by the use of explosive weapons in populated areas under the leadership of Austria and Ireland. We are encouraged by the widespread support for such a declaration expressed at the Vienna Conference on Protecting Civilians in Urban Warfare last month. A political declaration can be a powerful tool to strengthen the protection of civilians, provided it contains strong and unequivocal commitments to change the status quo and to stop the unacceptable tide of civilian deaths and suffering that is characteristic of urban warfare today, including a policy commitment to avoid the use of heavy explosive weapons in populated areas.

The ICRC’s views on the key elements of a future political declaration are contained in a document available at the back of the room. We encourage all States present here today to engage actively in the negotiations starting next Monday, 18 November.

The ICRC has explained in more detail its views on the legal and policy issues raised by explosive weapons in populated areas, in a recently published report submitted to the 33rd International Conference of the Red Cross and Red Crescent, the relevant extracts of which are also available at the back of the room.

Protecting civilians from the use of explosive weapons in populated areas is not just a political goal, it is a humanitarian necessity.

Finally Mr Chair,

The ICRC supports discussions on EWIPA in all relevant fora, including the CCW. In the view of the ICRC, the CCW – an IHL treaty mandated to consider conventional weapons of humanitarian concern, including those that may have indiscriminate effects in the context in which they are used – is an appropriate forum for discussing the use of EWIPA.

Thank you.