

Limiting the Humanitarian Consequences from the Use of Explosive Weapons in Populated Areas

**Next Steps in Implementation of the Political
Declaration
November 2022**

INTRODUCTION

On November 18, 2022, after three years of consultation, countries will convene in Dublin, Ireland, to endorse the Political Declaration on ***Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated Areas*** ('the Declaration'). The Center for Civilians in Conflict (CIVIC) urges states to endorse this landmark declaration to strengthen the protection of civilians.

CIVIC, as a member of the International Network of Explosive Weapons (INEW), along with the International Committee of the Red Cross (ICRC) and the UN Secretary-General, have been urging states to commit to limiting the effects of civilian harm from the use of explosive weapons in populated areas. In October 2019, Austria convened a conference in Vienna, attended by 130 states, the ICRC, the UN Office of the Coordination of Humanitarian Affairs (OCHA), and civil society organizations (CSOs) to collectively recognize the humanitarian consequences of EWIPA and launched the political process to develop the Declaration. In November 2019, Ireland took the lead in drafting the Declaration and held consultations with states, CSOs, and international organizations.

The Declaration is not an international treaty, but states that endorse the Declaration are committing to act in good faith and take the necessary steps to implement the commitments outlined in the Declaration and enacting changes in policies, guidance, tools, practices, and training.

CIVIC has been engaged on EWIPA issues since 2011, including technical support provided to governments and militaries on training, data analysis and tracking of civilian harm, implementation of POC policies, amends/victims' assistance, and provided input on the draft Declaration.¹

Political will and leadership are key factors in enacting commitments to minimize civilian harm and allocate the resources and personnel to effect change. This paper offers topline practical guidance to states on how to implement the Declaration. CIVIC has provided recommendations on urban warfare more generally in *Primer of Civilian Harm Mitigation in Urban Operations*.²

CIVIC urges that the Declaration's goal of "***strengthening the protection of civilians from the humanitarian consequences arising from the use of explosive weapons in populated areas***" guide the interpretation and implementation of the text.

¹ CIVIC provided technical support to AMISOM on their 2011 Indirect Fire Policy and help set up their Civilian Casualty Tracking Assessment and Response Cell (CCTARC). CIVIC has also provided technical support on POC policies and tools to various governments, including creation of the Civilian Casualties Identification, Tracking and Analysis Cell (CITAC/MISAD) for the G5 Sahel in 2021, creation of the CCMT for the Armed Forces of Ukraine (AFU) in 2018, support to NATO's International Security Force Assistance (ISAF) on recognition of civilian harm and amends policy for Afghanistan. CIVIC also provided technical support to the Government of Afghanistan on their 2016 Civilian Casualty Mitigation Policy that limited the use of explosive weapons in populated areas and created a framework for setting up the Afghan Civilian Casualty Mitigation Team (CCMT). CIVIC undertakes comprehensive training on civilian harm mitigation (CHM), including in urban warfare, to militaries in the Middle East, Europe, and Africa, US, NATO through a training of-trainer approach.

² For extensive course of actions militaries can undertake see, Center for Civilians in Conflict, *A Primer on Civilian Harm Mitigation on Urban Operations*, 2022, https://civiliansinconflict.org/wp-content/uploads/2022/06/CIVIC_Primer_Civilian_Harm_Mitigation_in_Urban_Operations.pdf

INTERPRETING HUMANITARIAN CONSEQUENCES

Paragraph 3.4. of the Declaration commits states to ensuring that their armed forces ***“take into account the direct and indirect effects on civilians and civilian objects which can reasonably be foreseen in the planning of military operations and the execution of attacks in populated areas.”***

When describing “civilian harm” and “humanitarian consequences” in the Declaration, states should specify the types of direct and indirect effects from the use of explosive weapons, especially with wide area effects, in populated areas.

The term ***“populated areas”*** in the Declaration should be understood as synonymous with “concentration of civilians,” which is defined in international humanitarian law (IHL) as “a city, town, village or other area containing a similar concentration of civilians or civilian objects.”³

Explosive weapons with wide area effects, include mostly unguided artillery, heavy mortar and multi-barrel rocket launchers, large bombs and missiles, and improvised explosive devices (IEDs)—have large payloads and blast radiuses. They are designed to fire multiple munitions simultaneously over a wide area, and thus have an impact beyond military objectives.

Foreseeing the direct and indirect consequences of urban operations on civilians and civilian objects is critical to inform planning, preparedness, and mitigation efforts. In interpreting the Declaration’s commitments and drawing on the Preamble’s description, states should describe direct effects such as death and injuries, damage to or destruction of civilian objects such as housing, hospitals, schools, and essential services such as water systems and power grids. States should further outline types of indirect/reverberating effects on the civilian population, for example, when critical infrastructure such as water, electricity, or medical clinics are damaged from explosive weapons, or when such services are disrupted or even collapse during the conflict. These effects can trigger cascading harm and heighten serious risks for public health, outbreak of disease, and further deaths.

Sustained fighting also results in displacement, as the population is forced to seek safety from attacks or flee the destruction of their homes and schools, and degradation of vital services. Explosive ordnance contamination further threatens livelihoods, limbs, and lives of civilians and hinders the return of people who have been displaced. These effects are severe when the use of explosive weapons is repeated and protracted over days, weeks, months, and even years. Women and children, and persons with disabilities are especially vulnerable.

Cultural heritage sites suffer the effects of bombing and shelling, destroying the history and identity of communities for generations to come. Such humanitarian consequences also impact social cohesion, disrupt education, health, and livelihoods, and have deep impact on a country’s human capital, natural environment, economic growth, development, and peacebuilding ability, all of which can take decades to rebuild, and undermine progress towards the Sustainable Development Goals.

³ Additional Protocol I to the Geneva Conventions, Art. 51.

INTERPRETING THE OPERATIONAL SECTION

In interpreting operational section 3.0, states and their armed forces should also be guided by the Preamble of the Declaration as to the unique challenges of operations in urban areas, as well as characteristics of the explosive weapons and their usage in urban areas. Few armed forces have standing policies and training on urban warfare and choice of munitions and tactics that sufficiently take into account the heightened risks to civilians and civilian objects. Commitments recommended in the Declaration are designed to initiate changes in policies, training, equipment, and planning to respond to the complex challenges of operations in populated areas.

1.1 As armed conflicts become more protracted, complex, and urbanized, the risks to civilians have increased. These risks are a source of major concern and they must be addressed. The causes of these risks involve a range of factors, including the use of explosive weapons in populated areas, and pose complex challenges for the protection of civilians.

1.2 The use of explosive weapons in populated areas can have a devastating impact on civilians and civilian objects. The risks increase depending on a range of factors, including the weapon's explosive power, its level of accuracy, and the number of munitions used.

Warfare that takes place in populated areas is one of the most complex forms of war, and necessitates specific analysis and assessments, where commanders and forces must understand the urban environment, including the terrain, population, supporting infrastructure, technology, to better understand how to minimize harm to civilians and civilian objects, including from the use of explosive weapons.⁴ Explosive weapons function by projecting blast, heat, and fragmentation (dispersal of pieces of the weapon or surrounding material) around the point of detonation. These primary effects originate directly from the munition itself. Thus, understanding munitions effects in an urban terrain is vital, including knowing how buildings are constructed to determine the effects and appropriate explosive yield needed to minimize civilian harm.⁵

Similarly, understanding the population and how they will move when operations take place and how disruptions of infrastructure systems can have detrimental effects are important analysis for military planners.⁶ Comprehensive information collection and analysis is needed, including consulting broad segment of experts such as anthropologists, sociologists, local city/municipality advisors, informal leaders (religious, community, tribal), and local partner forces.⁷

POC POLICIES AND TRAINING

3.1 Implement, and, where necessary, review, develop or improve national policy and practice with regard to the protection of civilians during armed conflict involving the use of explosive weapons in populated areas.

⁴ For analysis on understanding the terrain, population and infrastructure in an urban environment and operational challenges, see CIVIC, *CHM Primer*.

⁵ See CIVIC, *CHM Primer*, pp.11-14.

⁶ Ibid.

⁷ Ibid.

Armed forces should interpret this paragraph to consider enactment of the following policies and practices.⁸

- Issue commander's guidance on adherence to IHL, rule of engagement (ROE), and best practices to mitigate civilian harm.
- Develop ROE that sufficiently reflect challenges related to the presence of the population, the built terrain, and the interconnectedness of infrastructure.
- Ensure ROE include what happens when civilians directly participate in hostilities, and ensure they reflect sufficient awareness regarding the risk of civilian actors being mistaken for hostile forces.
- Clarify the responsibilities of the target engagement authority (TEA) on how to comply with IHL rules and prohibitions against indiscriminate and disproportionate attacks, as well as in self-defense circumstances.
- Create a No Strike Lists (NSL) policy that includes, for example, critical infrastructure for the delivery of essential civilian services, cultural sites, hospitals and morgues, residential areas, schools, markets and places of worship and authorities needed for engagement, which are IHL compliant.

3.2 Ensure comprehensive training of our armed forces on the application of International Humanitarian Law and on the policies and good practices to be applied during the conduct of hostilities in populated areas to protect civilians and civilian objects.

Armed forces should be trained to understand that that all their actions impact civilians. Comprehensive training considerations as recommended in the Declaration, can be implemented through the following courses of action:

- Scenario-based training that simulates realistic civilian presence and activity, that must also reflect the operational setting, appropriate munitions and equipment, the likely conduct of the enemy, and how these factors create risk for civilians.
- An understanding of the challenges related to urban operations through immersive or virtual reality training that replicates urban areas, as well as through tactical decision games and vignettes, where civilians and terrain are key factors.
- Training for intelligence personnel contextualized for urban operations to improve intelligence preparation that sufficiently integrates different sources of information on how populations will behave and move in a dynamic environment.
- Realistic training, that identifies requirements for certifying standards for targeteers and collateral damage estimate methodology (CDEM).
- Involve civilian agencies/international organizations in role-play exercises to familiarize the military with existing mandates and their role in the theater and prepare troops pre-deployment.

3.3 Ensure that our armed forces adopt and implement a range of policies and practices to help avoid civilian harm, including by restricting or refraining as appropriate from the use of explosive weapons in populated areas, when their use may be expected to cause harm to civilians or civilian objects.

Armed forces can interpret this guidance and undertake the following policies and practices to avoid civilian harm.

⁸ For more details see CIVIC, *CHM Primer*.

- Use direct-fire weapons (e.g., snipers, rifles, anti-tank guided weapons, tank guns in direct-fire mode, and helicopter air-to-ground guided rockets) where the target is positively identified and the platform can be brought into range.
- Use precision munitions (which reduce circular error probability) with payload matched to target.
- Refrain/avoid the use of explosive weapons with wide-area effects in dense urban terrain as a matter of policy unless sufficient mitigation measures to limit the wide-area effects can be undertaken. Such measures can include:
 - Adjust the fuse—including by selecting the appropriate fuse, such as airburst, detonation on impact, or delayed detonation—as well as the direction and angle of attack to reduce civilian harm. This could ensure that the effect is focused on the military target to the extent feasible.
 - Consider manipulating technical features of explosive weapons (including warhead, caliber, or fuse) to minimize incidental harm to civilians and infrastructure.
- Assess safe distances for civilians and civilian objects using similar safe distance methods used for own forces, recognizing that civilians do not generally wear body armor or helmets and can be hit directly or crushed under falling debris caused by the munition.
- Prior assessments of the technical characteristics of explosive weapons to ensure a comprehensive understanding of the direct and indirect effects in populated areas.

TOOLS NEEDED TO UNDERSTAND IMPACT ON CIVILIANS AND IDENTIFY LESSONS

The Declaration, in paragraph 1.8, recognizes the usefulness of tools to “**record and track civilian casualties.**” In particular, paragraphs 3.4, 4.2, and 4.3 recognize the importance of the collection and sharing of data on the impact on civilians and civilian objectives. Tracking of civilian harm by militaries has been found to be useful to identifying lessons and informing changes in tactics and procedures to minimize civilian harm.⁹

3.4 Ensure that our armed forces, including in their policies and practices, take into account the direct and indirect effects on civilians and civilian objects which can reasonably be foreseen in the planning of military operations and the execution of attacks in populated areas, and conduct damage assessments, to the degree feasible, and identify lessons learned.

4.2 Collect, share, and make publicly available disaggregated data on the direct and indirect effects on civilians and civilian objects of military operations involving the use of explosive weapons in populated areas, where feasible and appropriate.

4.3 Facilitate the work of the [UN, ICRC] and relevant civil society organizations collecting data on the impact of civilians of military operations involving the use of explosive weapons in populated areas, as appropriate.

⁹ See 2021 NATO Handbook on Protection of Civilians recommending tracking of civilian harm capabilities. NATO ACO Handbook on Protection of Civilians 2021, <https://shape.nato.int/news-archive/2021/the-protection-of-civilians-allied-command-operations-handbook>. Such tools have also been created by AMISOM, ISAF, Afghan government prior to 2021, G5 Sahel, and the Armed Forces of Ukraine. See also CIVIC, *CHM Primer*, p. 34.

States and their armed forces can meet the commitments of paragraphs. 3.4, 4.2 and 4.3 by undertaking the following measures:

- Develop CDEM and procedures to help commanders evaluate the risk of civilian harm versus military necessity during the planning and execution of combat operations. The CDEM must:
 - Include foreseeable harm to civilians and civilian infrastructure;
 - Require the involvement of engineers/urban planners to advise on the likelihood of primary and secondary effects from blast fragmentation on structures; and
 - Include lessons identified from munitions effects from prior operations when assessing impact on structures.
- A CDEM provides an estimate of the effects from an aim point in the form of radius, but does not reflect the complex nature of urbanized areas such as “urban canyons.” These canyons often cause higher wind speeds and turbulence, which can cause some munitions to miss their targets and thereby increase the risk of civilian harm and friendly fire. Thus, other sources of information must be cultivated to help in targeting and in the weaponeering process.
- Complex modeling for targets in urban areas thus requires different sources of intelligence—including subject matter experts on terrain, infrastructure, and population—and access to current data sets, to better identify locations of civilian infrastructure.
- Given challenges in self-defense or dynamic strikes, military planners and operators should explore ways to develop compressed-timeline options for collateral damage estimates (CDE) or tools to improve operator awareness of civilian movement and civilian objects.
- Issue guidance to track (collect, store, analyze and integrate learnings from) civilian harm (including death, injuries, and property/ infrastructure damage) in any engagement and the impact is disaggregated by age, gender, and persons with disabilities to account for the differential impact on civilians and follow-on victims' assistance as noted in paragraph 4.3
- Allocate sufficient resources, including personnel, for post-strike assessment to reflect on types of weaponry used—such as air, artillery, or close combat direct fires—to improve accuracy and ensure timely assessment of their impact in dense urban terrain with population and infrastructure.
- Create and fully staff a Civilian Casualty Mitigation Team (CCMT) tasked to track civilian harm and recommend changes to TTP and training. Ensure adequate personnel and resources are available to enable effective CCMT functioning in high-tempo large-scale urban operations.
- Conduct, where feasible, on the ground assessments of civilian harm to support information gathered through Intelligence Surveillance Reconnaissance (ISR). Given challenges in relying solely on ISR where evidence of harm has been missed, when not possible to undertake site visit, work with trusted partners and train them on conducting assessments.
- Develop protocols to engage with external organizations (such as international organizations, civil society organizations, and local communities) that are on the ground and collect information on civilian casualties. Use other external sources and open-source information to cross-check information gathered through internal reporting to ensure the credibility and veracity of incidents.
- Conduct annual reviews of civilian harm assessments and disseminate them as tools to educate and train forces on desirable tactics that have resulted in a reduction of civilian harm, as well as areas for improvement and further training.

- Encourage forces to report examples showing good results from tactical alternatives that prevented civilian casualties. Integrate these examples into lessons-learned processes, and training.

ASSISTING VICTIMS AND CONFLICT IMPACTED COMMUNITIES

4.4 Facilitate rapid, safe, and unhindered humanitarian access to those in need in situations of armed conflict in accordance with applicable international law, including International Humanitarian Law.

4.6 Facilitate the work of the United Nations, the ICRC, other relevant international organisations and civil society organisations aimed at protecting and assisting civilian populations and addressing the direct and indirect humanitarian impact arising from the use of explosive weapons in populated areas, as appropriate.

The Declaration asks states to facilitate rapid and unhindered humanitarian access to support civilians impacted by armed conflict. IHL also sets out key ground rules for parties to a conflict in order to enable impartial humanitarian organizations to access and help people affected by the fighting.¹⁰ Military planners, prior to urban operations, can also undertake an analysis of the status of health, food, and water that is available to a population so as to allow sufficient planning and facilitation of humanitarian access. Planning considerations and support to facilitate the work of the UN, ICRC, NGOs can include:

- Clearance of rubble to facilitate the movement of emergency services and displaced persons.¹¹
- Rebuild bridges or create temporary bridges to allow for the movement of people and emergency services.
- Restore essential services (water, sanitation, electricity, healthcare, and solid waste disposal), which are critical to the return of displaced persons.
- Fund humanitarian agency response and Explosive Remnants of War (ERW) clearance activities.

See CIVIC, *CHM Primer* for analysis on de-confliction, humanitarian pauses, and the safe evacuation of civilians.

4.5 Provide, facilitate, or support assistance to victims - people injured, survivors, families of people killed or injured - as well as communities affected by armed conflict. Adopt a holistic, integrated, gender-sensitive, and non-discriminatory approach to such assistance, taking into account the rights of persons with disabilities, and supporting post-conflict recovery and durable solutions.

Paragraph 4.5 essentially refers to two types of assistance – assistance to victims (people injured, survivors, families of people killed and injured) and assistance to communities affected by armed conflict.

¹⁰ See Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949, Art. 9; API I, Arts. 70–71. Articles 70–71 of API I instruct parties to a conflict to allow and facilitate rapid and unimpeded passage of all relief supplies and personnel—even if such assistance is destined for the civilian population of the adverse party—and that humanitarian aid personnel must be respected and protected. Common Article 3 to the four Geneva Conventions recalls that the ICRC and any other impartial humanitarian organizations retain the right of humanitarian initiatives. Customary international humanitarian law unified the core principle of protecting relief personnel and extended its application to non-international armed conflicts.

¹¹ Center for Civilians in Conflict, *Recommendations to the Anti-ISIS Coalition on Operations in Syria*, June 2017, <https://civiliansinconflict.org/publications/research/recommendations-anti-isis-coalition-operations-syria/>.

Both are distinct and require community input to determine appropriate responses. Assistance should encompass longer-term development assistance which is crucial for supporting conflict-affected populations to recover from armed conflict and to rebuild their lives and communities.

Obligations to assist victims are noted in 1997 Anti-Personnel Mine Ban Convention (APMBC), followed in 2003, Protocol V to the Convention on Certain Conventional Weapons (CCW) on ERW, and the 2008 Convention on Cluster Munitions (CCM). States that sign the Declaration are likely to be signatories to one or more of these treaties that lay out a number of measures for assisting victims.¹² States should interpret paragraph 4.5 commitment by consulting these treaties and:

- Develop, in accordance with national procedures, a national law, policy, plan, and budget, on victims' assistance programs in accordance with human rights frameworks and mechanisms and taking into account gender, age, and disabilities.
- Closely consult with, and actively involve, victims and their representative organizations.

FOLLOW UP PROCESS ON IMPLEMENTATION OF THE DECLARATION

3.6 Facilitate the dissemination and understanding of International Humanitarian Law and promote its respect and implementation by all parties to armed conflict, including by nonstate armed groups.

4.7. Meet on a regular basis to review in a collaborative spirit the implementation of this Declaration and identify any relevant additional measures that may need to be taken. These meetings could include the exchange and compilation of good policies and practices and an exchange of views on emerging concepts and terminology. The United Nations, the ICRC, other relevant international organisations and civil society organizations may participate in these meetings. We encourage further work, including structured intergovernmental and military-to-military exchanges, which may help to inform meetings on this Declaration.

The development of the Declaration has been based on a consultative process between states, international organizations, and civil society organizations. The humanitarian consequences of the use of explosive weapons in populated areas have been corroborated by data, reports, and studies from a variety of international and non-governmental organizations. Good practices and policy recommendations that have been identified and recommended in the Declaration are also based on consultations and the sharing of good practices, tools, and policy limitations on the use of certain munitions, but these are mission specific and do not provide a consistent approach in doctrine, policies and practices, nor are they widely shared with all militaries.

The Declaration recognizes that broad consultations between military practitioners, technical experts, and perspectives of organizations on the ground that are daily interacting with civilians impacted by conflict are needed to ensure ongoing work to implement the Declaration. States can implement this commitment by:

- Clarifying the regularity and substance of follow-up work on the Declaration.

¹² See, e.g., Humanity and Inclusion, *Victim Assistance in the Context of the Use of Explosive Weapons in Populated Areas*, 2016, <https://commons.lib.jmu.edu/cgi/viewcontent.cgi?article=2445&context=cisr-globalcwid>

- Convening every two years, with other states, as well as INGOs and CSOs, to inform how the Declaration is being implemented and areas of shared learning and improvement supported by data, and efforts undertaken to promote the universalization of the Declaration.¹³
- Participating in regional exchange on good practices, policies, tools, and training to limit the harm from the use of explosive weapons in populated areas.

ANNEX

POLITICAL DECLARATION ON STRENGTHENING THE PROTECTION OF CIVILIANS FROM THE HUMANITARIAN CONSEQUENCES ARISING FROM THE USE OF EXPLOSIVE WEAPONS IN POPULATED AREAS

PART A: PREAMBLE

SECTION 1

1.1 As armed conflicts become more protracted, complex, and urbanized, the risks to civilians have increased. These risks are a source of major concern and they must be addressed. The causes of these risks involve a range of factors, including the use of explosive weapons in populated areas, and pose complex challenges for the protection of civilians.

1.2 The use of explosive weapons in populated areas can have a devastating impact on civilians and civilian objects. The risks increase depending on a range of factors, including the weapon's explosive power, its level of accuracy, and the number of munitions used.

1.3 Blast and fragmentation effects, and resulting debris, cause deaths and injuries, including lifelong disabilities. Beyond these direct effects, civilian populations, particularly children, are exposed to severe and long-lasting indirect effects – often referred to as reverberating effects. Many of these effects stem from damage to or destruction of critical civilian infrastructure.

1.4 When critical civilian infrastructure, such as energy, food, water and sanitation systems, are damaged or destroyed the provision of basic needs and essential services, such as healthcare and education are disrupted. These services are often interconnected and, as a result, damage to one component or service can negatively affect services elsewhere, causing harm to civilians that can extend far beyond a weapon's impact area.

1.5 The damage and destruction of housing, schools, hospitals, places of worship and cultural heritage sites further aggravates civilian suffering. The environment can also be impacted by the use of explosive weapons, through the contamination of air, soil, water, and other resources.

¹³ For example, following signing of the 2015 Safe School Declaration, convenings take place every two years. See Global Coalition to Protect Education from Attack, "Meet on a Regular Basis to Review implementation of the Declaration and the Guidelines," 2022, <https://ssd.protectingeducation.org/implementation/meet-on-a-regular-basis/>

1.6 The use of explosive weapons in populated areas can also result in psychological and psychosocial harm to civilians. The direct and indirect effects often result in the displacement of people within and across borders, and have a severe impact on progress towards the Sustainable Development Goals. Unexploded ordnance impedes humanitarian access, the return of displaced persons and reconstruction efforts, and causes casualties long after hostilities have ended.

1.7 Many armed forces already implement policies and practices designed to avoid, and in any event minimize, civilian harm during hostilities. These can help armed forces to better understand the anticipated effects of explosive weapons on a military target and its surrounding areas, as well as the associated risk to civilians in populated areas. However, there is scope for practical improvements to achieve the full and universal implementation of, and compliance with, obligations under International Humanitarian Law, and the application and sharing of good policies and practices. Broadening and strengthening initiatives designed to share policies and practices on protecting civilians can support the promotion and better implementation of International Humanitarian Law.

1.8 We recognize the importance of efforts to record and track civilian casualties, and the use of all practicable measures to ensure appropriate data collection. This includes, where feasible, data disaggregated by sex and age. When possible, this data should be shared and made publicly available. Improved data on civilian harm would help to inform policies designed to avoid, and in any event minimize, civilian harm; aid efforts to investigate harm to civilians; support efforts to determine or establish accountability, and enhance lessons learned processes in armed forces.

1.9 We stress the imperative of addressing the short and long-term humanitarian consequences resulting from armed conflict involving the use of explosive weapons in populated areas. We welcome the on-going work of the United Nations, the International Committee of the Red Cross (ICRC), and civil society on the impacts and humanitarian consequences arising from the use of explosive weapons in populated areas.

1.10 We also welcome work to empower, amplify, and integrate the voices of all those affected, including women and girls, and we encourage further research into the gendered impacts of the use of explosive weapons.

Section 2

2.1 We reaffirm our obligations under applicable international law, including International Humanitarian Law and International Human Rights Law, and related commitments. These include our obligations to hold accountable those responsible for violations, and our commitment to end impunity.

2.2 Existing International Humanitarian Law provides the legal framework to regulate the conduct of armed conflict. It is applicable to the use of explosive weapons in all situations of armed conflict, and to all parties to an armed conflict, including both State and non-State armed groups. We stress the importance of full compliance with International Humanitarian Law as a means to protect civilians and civilian objects and to avoid, and in any event minimize, civilian harm when conducting military operations, in particular within populated areas.

2.3 We recall the obligations on all parties to armed conflict to comply with International Humanitarian Law under all circumstances, including when conducting military operations in populated areas. We recall in particular the obligation to distinguish between combatants and civilians as well as between civilian

objects and military objectives at all times in the conduct of military operations, and to direct attacks only against military objectives. We recall further the prohibitions against indiscriminate and disproportionate attacks, and the obligation to take all feasible precautions in attack and against the effects of attacks. We also recall the obligations under International Humanitarian Law related to the general protection of civilians against dangers arising from military operations, and allowing and facilitating rapid and unimpeded passage of humanitarian relief for civilians in need.

2.4 We condemn tactics designed to exploit the proximity of civilians or civilian objects to military objectives in populated areas, as well as the use of improvised explosive devices directed against civilians or civilian objects, and other violations of International Humanitarian Law, including by non-State armed groups, which further exacerbate the risks to civilians and are of grave concern.

2.5 While there is no general prohibition against the use of explosive weapons, any use of explosive weapons must comply with International Humanitarian Law.

2.6 We strongly condemn any attacks directed against civilians, other protected persons and civilian objects, including civilian evacuation convoys, as well as indiscriminate shelling and the indiscriminate use of explosive weapons.

2.7 We welcome the work of the United Nations Security Council and the General Assembly to strengthen the protection of civilians during armed conflict and to strengthen compliance with International Humanitarian Law. In this regard, we recall UNSC and UNGA Resolutions dealing with the protection of civilians in armed conflicts.

Part B: Operative Section

Committed to strengthening the protection of civilians and civilian objects during and after armed conflict, addressing the humanitarian consequences arising from armed conflict involving the use of explosive weapons in populated areas, and strengthening compliance with and improving the implementation of applicable International Humanitarian Law, we will:

Section 3

3.1 Implement, and, where necessary, review, develop or improve national policy and practice with regard to the protection of civilians during armed conflict involving the use of explosive weapons in populated areas.

3.2 Ensure comprehensive training of our armed forces on the application of International Humanitarian Law and on the policies and good practices to be applied during the conduct of hostilities in populated areas to protect civilians and civilian objects.

3.3 Ensure that our armed forces adopt and implement a range of policies and practices to help avoid civilian harm, including by restricting or refraining, as appropriate, from the use of explosive weapons in populated areas, when their use may be expected to cause harm to civilians or civilian objects.

3.4 Ensure that our armed forces, including in their policies and practices, take into account the direct and indirect effects on civilians and civilian objects which can reasonably be foreseen in the planning of

military operations and the execution of attacks in populated areas, and conduct damage assessments, to the degree feasible, and identify lessons learned.

3.5 Ensure the marking, clearance, and removal or destruction of explosive remnants of war as soon as feasible after the end of active hostilities in accordance with our obligations under applicable international law, and support the provision of risk education.

3.6 Facilitate the dissemination and understanding of International Humanitarian Law and promote its respect and implementation by all parties to armed conflict, including by non-State armed groups.

Section 4

4.1 Strengthen international cooperation and assistance among armed forces, and other relevant stakeholders, including in the context of partnered military operations, with respect to exchanges of technical and tactical expertise, and humanitarian impact assessments, in order to develop good policies and practices to enhance the protection of civilians, particularly with regard to the use of explosive weapons in populated areas.

4.2 Collect, share, and make publicly available disaggregated data on the direct and indirect effects on civilians and civilian objects of military operations involving the use of explosive weapons in populated areas, where feasible and appropriate.

4.3 Facilitate the work of the United Nations, the ICRC and relevant civil society organizations collecting data on the impact on civilians of military operations involving the use of explosive weapons in populated areas, as appropriate.

4.4 Facilitate rapid, safe, and unhindered humanitarian access to those in need in situations of armed conflict in accordance with applicable international law, including International Humanitarian Law.

4.5 Provide, facilitate, or support assistance to victims - people injured, survivors, families of people killed or injured - as well as communities affected by armed conflict. Adopt a holistic, integrated, gender-sensitive, and non-discriminatory approach to such assistance, taking into account the rights of persons with disabilities, and supporting post-conflict recovery and durable solutions.

4.6 Facilitate the work of the United Nations, the ICRC, other relevant international organizations and civil society organizations aimed at protecting and assisting civilian populations and addressing the direct and indirect humanitarian impact arising from the use of explosive weapons in populated areas, as appropriate.

4.7 Meet on a regular basis to review in a collaborative spirit the implementation of this Declaration and identify any relevant additional measures that may need to be taken. These meetings could include the exchange and compilation of good policies and practices and an exchange of views on emerging concepts and terminology. The United Nations, the ICRC, other relevant international organizations and civil society organizations may participate in these meetings. We encourage further work, including structured intergovernmental and military-to-military exchanges, which may help to inform meetings on this Declaration.

4.8 Actively promote this Declaration, distribute it to all relevant stakeholders, pursue its adoption and effective implementation by the greatest possible number of States, and seek adherence to its commitments by all parties to armed conflict, including non-State armed groups.

RESOURCES

Center for Civilians in Conflict, *Examining Civilian Harm Tracking and Casualty Recording*, 2017, https://civiliansinconflict.org/wp-content/uploads/2017/09/CCERP_4_page_FINAL_May_19.pdf.

Center for Civilians in Conflict and Article 36, *Workshop on Military Policies and Practices to Limit the Use of Explosive Weapons*, 2018, https://civiliansinconflict.org/wp-content/uploads/2018/10/Report-on-EWIPA-policy-and-practice-workshop-2018_10.pdf

ICRC, *Explosive Weapons with Wide Area Effects: A Deadly Choice in Populated Areas*, 2022, <https://www.icrc.org/en/document/civilians-protected-against-explosive-weapons>

NGO Recommendations on Post-Harm Ex-Gratia and Amends, March 2019, <https://civiliansinconflict.org/wp-content/uploads/2020/03/4-FINAL-2020-02-03-NGO-recommendations-on-Ex-Gratia-Amends-for-DoD-Policy-March-2019.pdf>

Sahr Muhammedally, *A Primer on Civilian Harm Mitigation on Urban Operations*, Center for Civilians in Conflict, 2022, https://civiliansinconflict.org/wp-content/uploads/2022/06/CIVIC_Primer_Civilian_Harm_Mitigation_in_Urban_Operations.pdf

Sahr Muhammedally, *Minimizing Civilian Harm in Populated Areas; Lesson from Examining ISAF and AMISOM Policies*, International Review of the Red Cross, 2016, https://international-review.icrc.org/sites/default/files/irc_97_901-14.pdf

UNIDIR, *Menu of Indicators to Measure the Reverberating Effects on Civilians from the Use of Explosive Weapons in Populated Areas*, 2020, <https://unidir.org/sites/default/files/2021-03/EWIPA%20Research%20Framework%20-%20Final.pdf>

Center for Civilians in Conflict (CIVIC) is an international organization dedicated to promoting the protection of civilians in conflict. CIVIC envisions a world in which no civilian is harmed in conflict. Our mission is to support communities affected by conflict in their quest for protection and strengthen the resolve and capacity of armed actors to prevent and respond to civilian harm. CIVIC was established in 2003 by Marla Ruzicka, a young humanitarian who advocated on behalf of civilians affected by the war in Iraq and Afghanistan. Honoring Marla’s legacy, CIVIC has kept an unflinching focus on the protection of civilians in conflict. Today, CIVIC has a presence in conflict zones and key capitals throughout the world where it collaborates with civilians to bring their protection concerns directly to those in power, engages with armed actors to reduce the harm they cause to civilian populations, and advises governments and multinational bodies on how to make life-saving and lasting policy changes. CIVIC’s strength is its proven approach and record of improving protection outcomes for civilians by working directly with conflict-affected communities and armed actors. At CIVIC, we believe civilians are not “collateral damage” and civilian harm is not an unavoidable consequence of conflict — civilian harm can and must be prevented.

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