INEW

STOP BOMBING CIVILIANS: AN ADVOCACY GUIDE ON EXPLOSIVE WEAPONS IN POPULATED AREAS

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ABOUT THIS GUIDE

This guide has been produced by the International Network on Explosive Weapons (INEW) to introduce the humanitarian advocacy agenda on the use of explosive weapons in populated areas and to provide ideas for actions at the national level. It is aimed primarily at NGOs and campaigners working on humanitarian issues and issues related to weapons and protection of civilians.

The guide is also available online at www.inew.org

1 - INTRODUCTION

This section introduces the advocacy agenda on explosive weapons in populated areas, describing the problem, setting out what should be done about it and exploring a few of the key issues that frequently come up when talking about this problem.

What is the problem?

Explosive weapons include such things as mortars, artillery shells and aircraft bombs, as well as improvised explosive devices (IEDs). These weapons function through blast and fragmentation effects that kill and injure people in the area around the point of detonation.

When used in populated areas, this area-effect means that civilians are often severely affected. Data indicate that between 80 and 90% of those killed and injured when explosive weapons are used in populated areas are civilians.

Still more people are affected by the damage that explosive weapons do to essential infrastructure such as schools, hospitals, housing, and water and sanitation systems.

What should be done?

Avoiding harm to civilians

INEW wants to prevent and reduce the harm caused to civilians from explosive weapons. States should look at their existing policies and put in place all necessary measures to avoid killing and injuring civilians with explosive weapons.

Answering questions about the use of explosive weapons

States need to answer a number of critical questions about their use of explosive weapons. Who is allowed to possess and use explosive weapons? Under which circumstances can they be used and based on which procedures? What information must be gathered and recorded before, during, and after they are used?

Strengthening national and international policy and practice

Answers to these questions will help to build up a picture of how states currently deal with explosive weapons. National policies on explosive weapons should be published, including their exclusion from law enforcement, the rules constraining their use in populated areas, and the obligations for clearing them after conflicts are over. States should recognise that explosive weapon use by a state against its own population is a specific indicator of a serious unfolding political crisis. States should heed the UN Secretary General and ICRC's call to avoid using explosive weapons with a wide area impact in densely populated areas.

The use of explosive weapons, such as rockets and artillery, in populated areas of South Ossetia during the conflict between Georgia and Russia in 2008 caused significant civilian casualties and damage to essential infrastructure. Photo: Marc Garlasco.

Key issues

What do we mean by explosive weapons?

Explosive weapons kill, injure and damage using blast and fragmentation from the detonation of explosives. This means they affect the area around the point of detonation. They include both manufactured explosive ordnance (such as grenades, mortars, rockets and aircraft bombs) and improvised explosive devices (IEDs), such as car bombs and roadside bombs. All explosive weapons function through blast and fragmentation and certain types of explosive weapons present a greater risk of harm when used in populated areas due to their wide area effects.

Are some explosive weapons more problematic than others?

There is a general pattern of harm associated with explosive weapons, but the problems they cause are most severe when the weapons have wide area effects. This may happen where an individual weapon has a large blast or fragmentation radius, where a weapon is not delivered accurately to the target, where multiple explosive weapons are launched at an area, or a combination of these factors. The United Nations Security Council has called for an end to the use of heavy weapons in population centres. Stopping the use of explosive weapons with wide area effects in populated areas would require an end to the use of heavy weapons in such areas. The burden of proof lies with states to demonstrate that the explosive weapons they intend to use will not cause unacceptable harm to civilians when used in populated areas.

What do we mean by 'populated areas'?

INEW uses this term to mean places where civilians are concentrated, or are likely to be concentrated. 'Concentration of civilians' is defined in the UN Convention on Conventional Weapons (CCW) and includes inhabited parts of cities and inhabited towns or villages, and groups of civilians on the move.

Do we need new rules?

Under international humanitarian law, explosive weapons are governed by the general rules that regulate conflict. But these rules are often vague and uncertain and open to different interpretations. The status quo has proven unable to prevent this pattern of harm in the past so there is a need to codify what is or is not allowed regarding the use of explosive weapons in populated areas. This will provide an opportunity to greatly enhance civilian protection. In particular, states should agree to end the use of explosive weapons with wide area effects in populated areas.

What about armed groups using car bombs & other IEDs?

INEW is concerned with the humanitarian effects of the use of explosive weapons by both states and non-state armed actors. All actors should work together to reduce this harm. Regardless of the political dynamics to these types of attacks, this pattern of harm should be addressed as a severe humanitarian problem. Focusing on this type of explosive violence will help to stigmatise it further, making it clear that it is unacceptable regardless of the circumstances.

2 - POLICY PAPER

This section considers some of the issues to do with explosive weapons in more detail, including with some case studies to illustrate the problems. It also sets out what INEW is calling for and who has said what on this issue within the international community.

Types of explosive weapons

The following table sets out some of the most commonly used explosive weapons. It is not an exhaustive list of explosive weapons and there are many different models and delivery systems for each of the types of explosive weapons listed in the table.

Hand grenade
A relatively small explosive weapon that can be thrown by a person.

Rifle grenade
A relatively small explosive weapon fired by a launcher attached to a firearm.

Mortar bomb
An "indirect fire" weapon. Launched from a tube, mortars arc up into the air and then fall towards the target.

Rocket propelled grenade
Often designed to penetrate armour, rocket propelled grenades are designed to be fired from a shoulder-held launcher.

Explosive submunition
The explosive content of cluster munitions (which can be dropped form the air or fired from the ground). Submunitions scatter over a target area.

Artillery shell
Artillery shells come in a variety of sizes and are fired from long-range guns.

Tank shell
Explosive tank shells come in a variety of sizes and are fired from tanks.

Multiple launch rocket
Rockets that can be fired in large numbers over a long range (e.g. 30km), such as GRAD rockets. The delivery systems can be fixed or mounted on vehicles and are often called MLRS (multiple launch rocket systems).

Aircraft bomb
Aircraft bombs are dropped from above. They come in various sizes and may have different guidance and fuzing mechanisms.

Missiles
Missiles have a propulsion system and a guidance system and include air-to-air, air-to-surface, anti-tank, surface-to-air, and surface-to-surface.

Improvised explosive devices (IEDs)
IEDs are any explosive weapon that is not mass-produced. Common types include roadside bombs used to target vehicles and car bombs that pack a large quantity of explosive into a vehicle that is driven at a target or left in a target area.

Facts and figures from the use of explosive weapons in 2011:

INEW member Action on Armed Violence (AOAV) monitors the impact of explosive weapons in populated areas using a methodology based on analysing English-language news media reports. A report on the data AOAV gathered in 2011 provided an analysis of 2,522 incidents of explosive weapons use in 68 countries and territories. The data provides a snapshot of the direct impact of explosive weapons in populated areas. Due to the methodology the data should be considered a low estimate of the casualties caused by explosive weapons. Also, it does not purport to reflect the indirect impact of explosive weapons on infrastructure, displacement etc. The AOAV Explosive Violence Monitoring Project (EVMP) produces a monthly update on incidents of explosive weapons use in populated areas. This is available online or by email. Here are some key facts and figures from that report:

84%

of casualties from explosive weapons in populated areas were civilians.

61%

of all civilian casualties caused by explosive weapons were caused by IEDs – or improvised explosive

MORE THAN HALF

the incidents of explosive violence recorded by the EVMP took place in populated areas.

NEARLY 75%

of incidents involving car bombs were recorded in populated areas.

21,499

civilians were reported killed and injured over the 12-month period.

4,807

civilian casualties were recorded worldwide from 200 incidents in places of worship, markets, and public gatherings.

79%

of all incidents of the use of manufactured explosive weapons in populated areas were ground-launched, compared to 20% identified as air-delivered.

Impact on healthcare

On the morning of 12 June 2009, a make-shift hospital in Mullivaikkal in north-east Sri Lanka was struck by artillery shells. It was estimated that a thousand patients were at the hospital at the time, many of whom had been wounded by earlier use of explosive weapons. One artillery shell landed in front of the admission ward, killing 26 people instantly. Witnesses at the hospital said that at least 50 people were killed, and another 86 civilians injured. It was one of a series of incidents where hospitals where civilians were sheltering and seeking treatment were struck by artillery barrages and aerial bombing. Ships containing aid were unable to land at Mullivaikal to distribute their cargo, whilst the ongoing shelling meant that the ICRC could not collect patients who required urgent treatment.

Case study courtesy of AOAV.
Photo: Private, 2009, courtesy of Human Rights Watch.

Wide area effects

Recent events in Libya, Côte d'Ivoire and Syria have highlighted again the unacceptable threat to civilians when explosive weapons with wide area effects are used in cities, towns or villages. Attacks with artillery, mortars and long-range rockets have been a major cause of civilian harm in these contexts and have led to the UN Security Council calling for an end to the use of heavy weapons in population centres. The ongoing impact upon civilians of explosive weapons in Iraq and Afghanistan also paints a stark picture of humanitarian harm.

While all explosive weapons present a risk to civilians if used in populated areas, this becomes particularly severe where the use of weapons affects a wide area. This may happen where an individual weapon has a large blast or fragmentation radius, where a weapon is not delivered accurately to the target, where multiple explosive weapons are launched at an area, or a combination of these factors. Photo: Richard Moyes / Article 36.

Misrata, Libya:

A night-time attack with Grad rockets killed Abdulsalem Jefari's eldest son and injured his baby.

"It was Sunday 17 April, in the middle of the night, when the rocket hit. My whole family was in the house and my wife was in the bedroom praying at the time with my sons Feras and Mohammad."

"Feras, who was eight, was killed instantly - my wife was badly injured on her shoulder and arm and my son Mohammed had a fragmentation wound to the head. After the attack my neighbour came to help take the whole family to the clinic, which is 10km away. There were a lot of people at the clinic, but not the right equipment and not enough medicine."

"Feras was just a normal boy. He was in the 3rd grade, he was clever, got good marks at school, he was always with his dad."

Grad rockets were responsible for many civilian deaths in the conflict in Libya due to their wide area effects. States must make a commitment not to use such weapons in populated areas.

INEW calls for an end to the use in populated areas of explosive weapons with wide area effects – a call that has been echoed by the UN Secretary General and the International Committee of the Red Cross.

Effects on children

Save the Children UK has stated that "the use of explosive weapons in populated areas has a devastating impact on children. As well as killing and injuring they are denying children access to healthcare and education, and ruining their futures."[1] Analysis by Action on Armed Violence on Iraq Body Count's data on the impact of weapons on civilians over a 9-year period in Iraq confirmed that children were particularly vulnerable to the threat of explosive weapons.[2] This impact has been highlighted in the UN Secretary-General's reports on Children and Armed Conflict[3] and is being raised as an issue of particular concern by the UN Special Representative on Children and Armed Conflict.

Misrata, Libya

Ali Ibrahim Abu Shiba was at home in Misrata, Libya, when Grad rockets began to hit their neighbourhood. One rocket landed outside their home killing Ali's 15-year-old son Ibrahim instantly and burning other members of the family in the blast.

Ali's youngest son was born on 19 June 2011, the day before their eldest son Ibrahim was killed. They named him Ibrahim after his brother.
Photo: Richard Moyes / Article 36.

1 - Devastating Impact: Explosive weapons and children, Save the Children UK, 2011.
2 - Impact of explosive weapons by gender and age Iraq 2003-11, Action on Armed Violence, June 2012
3 - Report of the UN Secretary-General on Children and Armed Conflict, 23 April 2011, A/65/820-S/2011/250

Infrastructure

As well as killing and injuring people through blast and fragmentation, explosive weapons have a capacity to damage infrastructure that may be vital to the civilian population. By destroying houses, schools and hospitals, as well as the systems for power, water and sanitation, explosive weapons can have effects that go far beyond the immediate 'direct' casualties.

In Gaza in 2009, the United Nations Environmental Programme highlighted that some 600,000 tonnes of debris was produced as a result of the 2,692 buildings damaged in the fighting. UNEP reported a high probability that most of this debris was to some extent contaminated (whether from household chemicals, hazardous waste or substances such as asbestos.)[4] Another report estimated some $6 million worth of damage was done to the water and sanitation system from shelling and air strikes.[5]

While toxic remnants and degraded sanitation can increase illness and disease, explosive weapons also can have a major impact on the healthcare infrastructure. In a sixteen-country study, the International Committee of the Red Cross (ICRC) found explosive weapons to be the leading cause of harm to patients, relatives, bystanders and health-care personnel, as well as the leading cause of damage to health-care premises and ambulances.[6]

Use of explosive weapons in populated areas erodes the facilities that society relies upon for shelter, sanitation, healthcare and education. In doing so these weapons create patterns of harm that can be far greater and more costly than the direct deaths and injuries that are reported in the media and collated by NGOs.

4 - United Nations Environment Programme (UNEP), 2009, Environmental Assessment of the Gaza Strip following the escalation of hostilities in December 2008 – January 2009.
5 - Coastal Municipalities Water Utility (CMWU), 2009, Damage Assessment Report: Water and waste water infrastructure and facilities.
(Gaza; 27 Dec 2008 – 19 Jan 2009).
6 - ICRC, 2011, Health care in danger: a sixteen-country study, Geneva, July 2011. Firearms were the leading causes of harm to vehicles and personnel en route to an incident.

A school damaged by explosive weapons in Sirte, Libya in 2011. As well as killing and injuring civilians, including children, explosive weapons affect the provision of key services such as health and education by destroying schools, hospitals and other key infrastructure. Photo: Simon Conway / AOAV.

Displacement

Displacement within and across borders is a common feature of armed conflict as people flee their homes in search of safety or are otherwise forced from their homes by the parties to conflict. However, the use of explosive weapons in populated areas can seriously exacerbate and prolong displacement. To begin with, people are forced to flee areas under direct attack. If and when the fighting ceases or moves on, people are often unable to return due to the widespread destruction of, and damage to, their homes, sources of livelihood and essential infrastructure such as water and sanitation systems. The use of explosive weapons also creates unexploded ordnance that persists as a threat to civilians, including returning refugees and internally displaced persons, until it is removed. Becoming displaced often only marks the beginning of further frightening challenges to survival. These include continuing insecurity; repeated displacement through attacks on camps, including the use of explosive weapons; and exposure to further serious risks, especially in militarized camp settings, such as gender-based violence and forced recruitment. Displacement too often leads to hunger and illness, both physical and mental. It erodes human dignity, as individuals and families become dependent on others for their survival.

Sudan: A woman stands in a cave next to her bedridden mother in Bram village in the Nuba Mountains, South Kordofan, April 28, 2012. Fleeing aerial bombardment, thousands of families abandoned their homes and made make-shift shelters between the rocks and boulders. The use of explosive weapons in populated areas can be a key driver of displacement, which carries many serious risks for civilians. Photo: Reuters/Goran Tomasevic

What is INEW calling for?

INEW calls for immediate action to prevent human suffering from the use of explosive weapons in populated areas. States and other actors should:

Acknowledge that use of explosive weapons in populated areas tends to cause severe harm to individuals and communities and furthers suffering by damaging vital infrastructure;

Strive to avoid such harm and suffering in any situation, review and strengthen national policies and practices on use of explosive weapons and gather and make available relevant data;

Work for full realisation of the rights of victims and survivors;

Develop stronger international standards, including certain prohibitions and restrictions on the use of explosive weapons in populated areas.

In developing such standards, INEW believes that states and other actors should make a commitment that explosive weapons with wide area effects will not be used in populated areas.

There are a number of immediate actions that states can take to begin to fulfil this call:

Acknowledge the humanitarian problem caused by the use of explosive weapons in populated areas: this can be done in Security Council debates on the protection of civilians, debates on children and armed conflict, human rights, or in public statements on specific country situations where explosive weapons are being used in populated areas;

Welcome the recommendations of the UN Secretary-General in relation to preventing harm from the use of explosive weapons in populated areas, in particular supporting the call for focused discussions amongst states, civil society and international organisations on this topic, including through an international meeting of experts in 2013;

Meet with NGOs and actors working on humanitarian issues to discuss the harm caused by the use of explosive weapons in populated areas and consider measures that can be taken to prevent this harm; Undertake an inter-ministerial consultation on the use of explosive weapons in populated areas and set out publicly the government's existing national policy and practice in this area;

Make available relevant data on the use and impact of explosive weapons in the past and undertake to make assessments of the humanitarian impact of explosive weapons use in the future.

Who has said what on explosive weapons in populated areas?

Over the course of 2011 and 2012 there has been increasing acknowledgement of the humanitarian problems caused by the use of explosive weapons in populated areas. The UN Secretary General and his Emergency Relief Coordinator, the ICRC, and around 20 states have highlighted the problem of explosive weapons in populated areas in public statements. Security Council resolutions have also highlighted this problem in the context of Côte d'Ivoire and Syria, calling for an end to the use of heavy weapons in population centres in Syria.

Some quotes from recent statements are included below.

UN Secretary General Ban Ki-moon:

While the use of certain explosive weapons in populated areas may, in some circumstances, fall within the confines of the law, the humanitarian impact, both short and long-term, can be disastrous for civilians. I urge:

a) Parties to conflict to refrain from using explosive weapons with a wide-area impact in densely populated areas.

b) The Security Council, whenever relevant, to call on parties to conflict to refrain from using such weapons in densely populated areas.

c) Member States, United Nations actors, international organizations and NGOs to intensify their consideration of this issue, including through more focused discussion and by undertaking or supporting further data collection and analysis.

d) Member States to cooperate with all relevant stakeholders in collecting and making available information to the United Nations and other relevant actors on harm to civilians from the use of explosive weapons and in issuing policy statements outlining the conditions under which certain explosive weapons may or may not be used in populated areas.

Extract from the UN Secretary-General's 2012 Report on the Protection of Civilians in Armed Conflict

ICRC:

"due to the significant likelihood of indiscriminate effects and despite the absence of an express legal prohibition for specific types of weapons, explosive weapons with a wide impact area should be avoided in densely populated areas."

Extract from 'International Humanitarian Law and the Challenges of Contemporary Conflicts – Report prepared for the 31st International Conference of the Red Cross and Red Crescent (October 2011) 42'

European Union:

"we furthermore continue to be very preoccupied by the humanitarian impact of the use of weapons in densely populated areas. We take note of the view expressed by the ICRC that the use of explosive weapons with a wide area impact should be avoided in densely populated areas. This issue should be addressed in a more systematic and proactive way."

Extract from the statement of the European Union to the UN Security Council Open Debate on the Protection of Civilians in Armed Conflict, 25 June 2012

Australia:

"the use of powerful explosive weapons in populated areas without proper regard for international humanitarian law restrictions … is a clear violation of the limits of conflict. We support the Secretary-General's recommendations on this. We encourage greater collection of data on the issue. We welcome the Council's attention to this threat in Syria, and we encourage the Council to be systematic in its approach in this area."

Extract from the statement by Australia to the UN Security Council Open Debate on the Protection of Civilians in Armed Conflict, 25 June 2012

Austria:

"Austria welcomes the Emergency Relief Coordinator's appeals in this regard and supports the ICRC's view and the Secretary General's recommendation that explosive weapons with a wide area impact should be avoided in densely populated areas. Under International Humanitarian Law their use is not prohibited as such, but the heightened risk of indiscriminate harm and the appalling suffering they cause when used in densely populated areas should be reason enough for us to consider this issue in depth, including the possibility of developing stronger international standards. More systematic data collection, the refinement of national policies on the use of explosive weapons and conducting post-strike analysis are important in this respect."

Extract from the statement by Austria to the UN Security Council Open Debate on the Protection of Civilians in Armed Conflict, 25 June 2012

Germany:

"a central question is the application of the rule of distinction in today's military operations. Experiences in recent conflicts beg the question of how the principle of distinction is implemented in practice, in particular when conducting warfare within densely populated areas. The devastating humanitarian impact of explosive weapons in densely populated areas is a major concern in this regard. We agree with the ICRC that explosive weapons with a wide-impact area should be avoided in densely populated areas. We welcome initiatives to address this issue in a more systematic and proactive way, including possible stronger engagement of the Security Council in this regard."

Extract from the statement by Germany to the UN Security Council Open Debate on the Protection of Civilians in Armed Conflict, 25 June, 2012

Japan:

"the use of explosive weapons in densely populated areas is a grave concern, as it results in numerous civilian casualties. It also leads to the creation of scores of Internally Displaced Persons (IDPs) and refugees, which affects not only the epicentre of violence, but also neighbouring countries and regions."

Extract from the statement by Japan to the UN Security Council Open Debate on the Protection of Civilians in Armed Conflict, 25 June 2012

A destroyed mosque in Misrata. Many mosques were destroyed by tank and artillery shelling by pro-Gaddafi forces during the fighting in 2011. Photo: Richard Moyes / Article 36.

Mexico:

"We are especially concerned with two specific aspects, given their impact on civilian populations — first, the denial of humanitarian assistance, and second, the use of explosives in densely populated zones. Regarding the use of explosives, the fact that there is no specific ban on the use of certain weapons does not mean that those weapons are permitted. We must condemn the use of explosives in areas where civilian populations are concentrated because of their indiscriminate effects and the attendant risks."

Extract from the statement by Mexico to the UN Security Council Open Debate on the Protection of Civilians in Armed Conflict, November 2010

Nigeria:

"Monitoring [...] will not only help all stakeholders to understand the dangers that civilians face, such as the use of explosives and heavy weaponry in populated areas, and sexual violence as a weapon of war; it will also help us better target our investigative resources."

Extract from the statement by Nigeria to the UN Security Council Open Debate on the Protection of Civilians in Armed Conflict, November 2011

Norway:

"Today's armed conflicts usually take place in densely populated areas, with extensive civilian losses and damage to civilian buildings and infrastructure as a result. In our view, international humanitarian law also includes the Anti-Personnel Mine Ban Convention and the Convention on Cluster Munitions. Norway supports the Secretary-General's call for more work by the international community to better understand the impact of explosive weapons in populated areas and to develop mechanisms for improving civilian protection in that regard."

Extract from the statement by Norway to the UN Security Council Open Debate on the Protection of Civilians in Armed Conflict, May 2011

Switzerland:

"We think it appropriate to continue to follow the issue of explosive weapons, especially with a view to better implementing international humanitarian law. The use of certain explosive weapons in densely populated areas is clearly a major source of suffering for civilians in situations of armed conflict. A more in-depth study could, for example, reveal the extent to which greater protection could limit these impacts."

Extract from the statement by Switzerland to the UN Security Council Open Debate on the Protection of Civilians in Armed Conflict, November 2010

3 - ADVOCACY RESOURCES

This section includes some basic resources aimed at providing ideas for actions that organisations can undertake at the national level. Every national context is different, so these resources might need to be adapted in order to be useful in different countries. There's some general information about INEW and how to get involved; some draft parliamentary questions (which could also be tabled as freedom of information requests where that is possible); some talking points for presentations and meetings; and a draft op-ed aimed at media outlets and some further reading to learn more about the issue.

Information on getting involved with INEW

About INEW

The International Network on Explosive Weapons (INEW) is an NGO partnership calling for immediate action to prevent human suffering from the use of explosive weapons in populated areas. INEW was established in March 2011 by Action on Armed Violence, Handicap International, Human Rights Watch, IKV Pax Christi, Medact, Norwegian People's Aid, Oxfam and Save the Children UK. INEW is open to membership for other NGOs wishing to contribute to this advocacy agenda. INEW calls for immediate action to prevent human suffering from the use of explosive weapons in populated areas. States and other actors should:

Acknowledge that use of explosive weapons in populated areas tends to cause severe harm to individuals and communities and furthers suffering by damaging vital infrastructure;

Strive to avoid such harm and suffering in any situation, review and strengthen national policies and practices on use of explosive weapons and gather and make available relevant data;

Work for full realisation of the rights of victims and survivors;

Develop stronger international standards, including certain prohibitions and restrictions on the use of explosive weapons in populated areas.

In developing such standards, INEW believes that states and other actors should make a commitment that explosive weapons with wide area effects will not be used in populated areas.

INEW members undertake research and advocacy to promote greater understanding of the problem and the concrete steps that can be taken to address it. INEW organisations also implement field programmes to reduce the impact of explosive weapons in affected areas.

Take action

INEW shares information and coordinates and supports advocacy work by its members.

Join INEW – NGOs that want to join INEW should write to info@inew.org or download membership information from:

http://www.inew.org/about-inew/membership.

Individuals - For regular information on the impact of explosive weapons and INEW activities, individuals can join the INEW mailing list at www.inew.org and subscribe to AOAV's updates on explosive weapons and media monitoring at:

EMVP@aoav.org.uk.

Possible Parliamentary Questions

The following are some examples of parliamentary questions that have been asked in some countries or that might be useful to ask in countries where there is a practice of parliamentary questions.

In response to bombardment in another country:

With reference to the recent statements of [DATED or FOR EXAMPLE THE UN AND ICRC] on violence in [FOR EXAMPLE SYRIA] that the use of explosive weapons such as multiple launch rockets and artillery in densely populated areas causes severe harm to civilians, will the Minister put forward a proposal at the UN Security Council debates on the protection of civilians that the international community should undertake focused discussions on this important humanitarian issue?

In advance of expected military action by a country:

In advance of any military action by [COUNTRY X] in [COUNTRY X], will the Minister make a commitment that our armed forces will not use heavy explosive weapons in populated areas and that data will be made available on the types, numbers and locations of the use of explosive weapons and of casualties caused?

In relation to a country's general policy and practice on explosive weapons:

Can the Minister confirm that the use of heavy explosive weapons in populated areas is not consistent with [COUNTRY X'S] understanding of international humanitarian law?

In relation to data gathering on use and impact of explosive weapons in populated areas:

Can the Minister confirm that, consistent with existing obligations under international law, [COUNTRY X'S] armed forces gather and make available all relevant data on the use and impact of explosive weapons, including the numbers and types of explosive weapons used, the locations where they are used and any civilian casualties caused?

Talking points for meetings and presentations

The following talking points are provided as a basis for discussions with states, parliamentarians, organisations or others interested in the advocacy agenda on explosive weapons in populated areas. This is a basic introduction to the issue and some of the points set out in the 'KEY ISSUES' section of part 2 of this guide may be useful for follow up questions on certain aspects of the problem.

What is INEW and what do we want?

INEW is a coalition of NGOs established in 2011 by well known NGOs such as Human Rights Watch, Oxfam, Save the Children amongst others to prevent suffering from the use of explosive weapons in populated areas.

INEW has been working with states, civil society and international organisations to build recognition of this problem and to promote concrete steps that will help to prevent this humanitarian problem.

What are explosive weapons?

Explosive weapons detonate and affect the area around the point of detonation with blast and fragmentation.

It's a broad category from small hand-grenades on the one side to large aircraft bombs and multiple launch rockets systems on the other.

But in general they are all weapons of military action rather than policing. This helps us to see them as a distinct category and illustrates that a boundary is being crossed when they are used.

What is the impact of explosive weapons in populated areas?

Data shows that when explosive weapons are used in populated areas, levels of civilian harm are elevated.

In 2011, the NGO AOAV recorded at least 21,499 civilians killed or injured internationally – more than 18,000 in populated areas.

Of all casualties in populated areas, 84% were civilians – this compares with 35% in other areas.

The harm goes beyond immediate deaths and injuries and also causes severe long-term effects. The ICRC identified explosive weapons as the leading cause of damage to healthcare facilities. Damage to schools, housing, water and sanitation causes longer-term harm, exacerbates the suffering of the civilian population and prolongs displacement.

Who has said what?

Over the course of 2011 and 2012 there has been increasing acknowledgement of the humanitarian problems caused by the use of explosive weapons in populated areas. The UN, the ICRC, and around 20 states have highlighted the problem of explosive weapons in populated areas in public statements.

Security Council resolutions have highlighted this problem in the context of Côte d'Ivoire and Syria, calling for an end to the use of heavy weapons in population centres in Syria.

What steps can governments take?

Change on this issue is achievable. States that are concerned with the protection of civilians should:

acknowledge this problem in their public statements and welcome the recommendations of the UN Secretary General;

consider the implications of this problem at a national level by reviewing their own policy and practice;

support focused discussions amongst states, civil society and international organisations; and, in the future;

adopt a common position against the use of explosive weapons with wide area effects in populated areas and speak out against these practices when they happen.

These steps will help to draw new lines and develop stronger moral barriers to protect civilians from these types of attacks.

Abdullah (below) was in his grandmother's house in Misrata, Libya when it was struck by rockets in 2011. He survived, but his eleven year old cousin, his uncle and his aunt did not. The next door neighbours were an Egyptian family, who had stayed despite the fighting. Their house was hit by another rocket and they lost three generations of women in a single attack. Photo: Richard Moyes / Article 36.

Draft op-ed

First set out the reason for the op-ed: for example you might be responding to bombardment in a certain country context; or looking back on bombardment in several country contexts over a period; or looking ahead to an opportunity for political action, such as a Security Council debate or resolution.

Then establish the credentials of the author: who is writing, why is their voice relevant to this issue?

It's important to provide a human story in the op-ed: describe a real life story of an individual, family or community affected by explosive weapons in populated areas.

Finally you should set out what you want: make it clear who your target is (government, UN, etc.) and call on them to take action, e.g. end use of explosive weapons with wide area effects in populated areas; condemn this use of explosive weapons, etc.

The use of heavy explosive weapons such as artillery and airstrikes in populated areas of Gaza during Operation Cast Lead in 2009 caused widespread civilian casualties and severe damage to essential infrastructure. Photo: Marc Garlasco.

Recommended reading

Here are some publications that provide background information on different aspects of the problem of explosive weapons in populated areas. They are all available on the INEW website at:

www.inew.org/learn-more-about-inew

Action on Armed Violence:

2009: "Explosive violence: the problem of explosive weapons"

2011: "100 incidents of humanitarian harm: explosive weapons in populated areas 2009-2010"

2012: "Monitoring explosive violence: the EVMP dataset 2011"

Article 36:

2012: "Heavy weapons and civilian protection"

Human Rights Watch and Harvard Law School:

2011: "Documentation of the Use of Explosive Weapons in Populated Areas

IKV Pax Christi:

2011: "Protecting civilians from explosive violence"

Save the Children UK:

2011: "Devastating impact: explosive weapons and children"

ICRC:

2011: "Healthcare in danger: a sixteen country study"

United Nations:

2012: "Secretary-General's Report on the Protection of Civilians in Armed Conflict"

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Cover Image:

Children sitting outside a home destroyed by explosive weapons in Zawiya, western Libya, October 2011. Photo: Richard Moyes / Article 36