

Council of Delegates 2017

EXPLOSIVE WEAPONS IN POPULATED AREAS

Chair: Bernt G. Apeland, Secretary-General, Norwegian Red Cross

Rapporteur: Rebecca Dudley, International Humanitarian Law Advisor, New Zealand Red Cross

(A) EXECUTIVE SUMMARY

Ongoing armed conflicts have confirmed that there is a strong likelihood of indiscriminate effects when explosive weapons with wide-area impacts are used against military objectives located in densely populated areas. Use of these weapons is a major cause of civilian death and injury, and of damage to civilian homes and critical infrastructure, resulting in disruption to essential services, such as health care and water distribution, and displacement of the civilian population. Faced with the fact that armed conflicts are increasingly fought in populated areas, the International Committee of the Red Cross (ICRC) and National Red Cross and Red Crescent Societies (National Societies) should continue to call on States and parties to armed conflicts to avoid the use of explosive weapons with a wide impact area in densely populated areas, due to the significant likelihood of indiscriminate effects. They should also continue to document the humanitarian consequences of these weapons and promote operational measures to reduce the risk to civilians and to their own operations.

(B) GENERAL OBSERVATIONS AND KEY HIGHLIGHTS

Kathleen Lawand (ICRC) explained that the Movement's call/position to avoid the use of heavy explosive weapons in populated areas (as provided in Resolution 7, operative paragraph 4, of the 2013 Council of Delegates) is informed by our first-hand observation and documentation of the devastating direct and indirect effects of these weapons on civilians and civilian infrastructure. The effects can be foreseen by parties to armed conflicts. These weapons are likely to have indiscriminate effects when used in populated areas due to their wide-area effects. In other words, there is a high risk that the use of these weapons against military objectives located in populated areas will fall foul of the prohibitions in international humanitarian law (IHL) against indiscriminate and disproportionate attacks. Taking into account the unique vulnerabilities of civilians living in cities, militaries must reassess and adapt their choice of weapons in urban warfare – to minimize harm to civilians and ensure compliance with IHL – and apply good practices.

Michael Talhami (ICRC) explained that fighting in urban contexts, in addition to causing direct harm to the civilian population, can also destroy or disrupt the civilian infrastructure, including water, health-care, electrical and sanitation services. Considering that urban services are systems-based and interdependent, the initial effect of the use of explosive weapons in populated areas can have humanitarian consequences extending far beyond the immediate and visible impact. These humanitarian consequences are often reasonably foreseeable. Accordingly, the specific characteristics and vulnerabilities of essential civilian infrastructure and services deserve particular attention during the conduct of hostilities.

Samuel Paunila (Geneva International Centre for Humanitarian Demining) described the characteristics of the explosive weapons systems concerned, namely those with a large destructive radius or inaccurate method of delivery or which deliver multiple munitions over a wide area in quick

succession. The effects of such weapons are more pronounced in urban areas, where urban structures reflect and channel blast waves and produce secondary fragmentation and debris, such as shattered glass, concrete and metal. More research is needed to understand and account for secondary explosive-weapon effects in urban areas.

Yusef Hassan Mohamed (Somali Red Crescent Society) provided a first-hand account of the harm to civilians and civilian objects caused by the use of explosive weapons in populated areas. They present particular challenges for National Societies, namely their ability to assist victims in the aftermath of a blast, to address the indirect or long-term harm to the civilian population, and to protect their own personnel in the process.

(C) KEY POINTS RAISED ON GUIDING QUESTIONS

Guiding question 1: What are the experiences by National Societies of the impact of explosive weapons in populated areas on their operations?

National Societies shared examples of impacts, which included deaths and injuries among their staff, destruction of and damage to facilities, and the consequent disruption of their operations. They emphasized the importance of SAFER Access Frameworks and victim assistance, including psychosocial support for affected people and for National Society staff and volunteers.

Guiding question 2: How can National Societies promote the Movement's call/position on the issue of explosive weapons in populated areas with their governments and armed forces?

The awareness-raising and advocacy approaches identified by National Societies included: working with national IHL committees; having a dialogue with the military on their policies and practices for choosing weapons and on their training for warfare in urban areas and their targeting directives; and approaching non-State arms bearers for dialogue about respect for IHL and better protection for civilians and civilian objects in populated areas. The ICRC was asked to provide more direction about limitations on the use of weapons in populated areas.

(D) CONCLUSIONS AND RECOMMENDATIONS

Resolution 7, operative paragraph 4, of the 2013 Council of Delegates "calls upon States to strengthen the protection of civilians from the indiscriminate use and effects of explosive weapons, including through the rigorous application of existing rules of international humanitarian law, and to avoid using explosive weapons with a wide impact area in densely populated areas."

To continue this work, the participants drew attention to two areas where practical progress can be made –documentation and advocacy:

- Document the effects of the use of explosive weapons in populated areas on the civilian population and on our own operations, including the indirect impacts of these weapons on essential urban services. The long-term impacts on the psychosocial health of victims, including the staff and volunteers of National Societies, should also be documented.
- Promote the Movement's position/call with national authorities, armed forces and all parties to armed conflicts, including non-State armed groups, to reduce harm to civilians and ensure respect for IHL in urban warfare. This advocacy includes dialogue on military policies and practices and the need to apply IHL rules in a manner consistent with the overall aim of

IHL to protect civilians from the effects of urban conflict. Bring examples of when IHL is working, and good practices in the choice of weapons in urban warfare.