

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

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Emerging issues of relevance to the Convention

**Convention on Certain Conventional Weapons,
Meeting of High Contracting Parties**

Emerging issues of relevance to the Convention

Submitted by Austria

Explosive weapons in populated areas and their impact on the civilian population

1. The use of explosive weapons in populated areas (EWIPA) constitutes a grave humanitarian problem and is currently having a devastating impact on civilians in numerous countries worldwide. There is an immense need to further raise awareness about the immediate and longer-term impacts of the use of explosive weapons in populated areas and to enhance the dialogue among States, non-State actors and all other relevant stakeholders on this critical topic. Austria therefore proposes to discuss EWIPA under the agenda item “Emerging issues of relevance to the Convention” for the Meeting of the High Contracting Parties of the Convention on Certain Conventional Weapons in November 2017. This would provide member States with an opportunity to better analyse the severe consequences caused by EWIPA, share information about technical aspects of explosive weapons as well as on best practices and lessons learned in the use of explosive weapons particularly those with wide-area effects. In addition, member States could address legal and political aspects of the use of such weapons and explore possible future avenues to prevent and reduce the devastating civilian harm caused by EWIPA.

2. Civilian harm from the use of explosive weapons in populated areas has increased significantly in recent years because most contemporary conflicts are taking place in urban settings, resulting in high levels of civilian casualties. Data shows that when explosive weapons are used in populated areas, more than 90% of those reported killed and injured are civilians. In 2016, over 32,000 civilians were recorded killed or injured by explosive weapons, with Syria, Iraq, Yemen, Afghanistan, and Turkey having the highest numbers of civilian deaths and injuries. Beyond those killed and injured, an even greater number of civilians are affected as a result of damage to essential infrastructure and services. The bombing and bombardment of towns and cities destroys or damages homes, hospital buildings, schools, sanitation systems, as well as electricity and transport systems. The use of EWIPA hampers humanitarian access and thereby impedes the delivery of vital provisions of food and medicine. Due to its aggregate direct and indirect effects, the use of EWIPA has become one of the main causes of forced displacement.

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3. Since 2009 the UN Secretary-General has repeatedly called on all parties to conflict – national military forces and non-State armed groups – to avoid the use of explosive weapons with wide-area effects in populated areas. In his latest report to the Security Council on the protection of civilians in armed conflict issued in May this year (S/2017/414), he repeated this call and underlined the massive harm, destruction and the negative long-term consequences of explosive weapons with wide-area impact when used in populated areas. The Secretary-General furthermore encouraged member States to engage constructively in efforts to develop a political declaration to address the humanitarian impact of the use of explosive weapons in populated areas.

4. Also the ICRC has expressed similar concerns as the UN Secretary-General and expressed its view that the use of explosive weapons with wide-area effects should be avoided in populated areas. Whereas the use of EWIPA is as such not expressly regulated by international humanitarian law (IHL), the ICRC has repeatedly reminded member States and non-State actors of the prohibition of indiscriminate and disproportionate attacks under IHL and the obligation to take all feasible precautions in an attack.

5. In previous years, Austria has worked closely with other member States, UN OCHA, the ICRC and civil society organizations in raising awareness and sharing experiences on all aspects and consequences of EWIPA; for this purpose, several expert meetings and side events in relevant international fora were organized. Austria regularly addresses the use of EWIPA and its consequences on the civilian population in the General Assembly, the Security Council or other multinational institutions or multi-stakeholder events such the World Humanitarian Summit in 2016. In addition to these and other suitable fora, we consider it is appropriate and more than timely that also the Convention on Certain Conventional Weapons deals with the use of EWIPA. Therefore, Austria suggests scheduling a discussion on the legal, technical, humanitarian and other aspects of EWIPA under the agenda item “Emerging issues of relevance to the Convention” at the Meeting of the High Contracting Parties in November.
