

# Addressing Civilian Harm from Explosive Weapons Use in Populated Areas *Activities Underway*

November 2010

Background Paper №3 of the Discourse on Explosive Weapons (DEW) project  
by Maya Brehm and John Borrie

## Summary

A number of actors work at the international level to reduce civilian harm from the use of bombs, mines or artillery shells in the vicinity of civilians. This paper aims to map such efforts.<sup>1</sup> It is based on publicly available information and responses to a questionnaire that the Discourse on Explosive Weapons (DEW) project sent out to interested organizations and individuals.<sup>2</sup>

A growing number of actors have begun to look at humanitarian and development concerns through the prism of explosive violence. All but two out of twenty questionnaire respondents answered positively to the question “Does your institution consider that the ‘use of explosive weapons in populated areas’ constitutes a serious humanitarian problem that needs to be addressed?”.<sup>3</sup> Section I of this paper discusses efforts undertaken to date by civil society, academics, UN actors, the International Committee of the Red Cross (ICRC) and states that seek to address the pattern of civilian harm caused by the use of explosive weapons in populated areas. Section II provides an overview of work in effect dealing with different aspects of harmful impacts of explosive weapons on civilians, although this work may not be set explicitly within an explosive violence framework.

This survey is not exhaustive, and does not purport to provide a comprehensive overview of the work of the actors mentioned.

## Explosive weapons work carried out to date

### Civil society and academia: research, policy development and agenda setting

In a report published in late 2009,<sup>4</sup> the British non-governmental organization (NGO) Action on Armed Violence (AOAV, formerly Landmine Action) presented data from a study that it had conducted with the global health charity, Medact, of global explosive weapons incidents.<sup>5</sup> The report presented explosive weapons as a conceptual and technological category, identified a distinct pattern of civilian harm from the use of explosive weapons in populated areas, raised critical questions about the acceptability of such use, and made a number of policy recommendations to address the humanitarian impacts of explosive violence. AOAV promotes policy debate on this issue in various international fora, including in the framework of the 1980 Convention on Certain Conventional Weapons, and discussions on armed violence reduction and development, and continues to carry out research into the impacts of explosive violence.<sup>6</sup>

Other non-governmental actors are undertaking work to increase knowledge on how explosive violence affects particularly vulnerable groups. Concerned about children being killed or injured by explosive weapons, or dying because of damage

caused to health services and infrastructure, Save the Children UK recently completed a study that analyses impacts on children of explosive weapons use in populated areas in a number of contexts, including Afghanistan, Iraq, the Occupied Palestinian Territory, Somalia and Yemen.<sup>7</sup> Another organization, Insecurity Insight, which collaborated with AOA on research for the *Explosive Violence* report, analyses data on the impacts of armed violence, including incidents involving explosive weapons, on the delivery of humanitarian aid and populations depending on it.<sup>8</sup>

These studies and other research point to a pattern of civilian harm from the use of explosive weapons in populated areas that some NGOs have come to recognize as a serious humanitarian problem.<sup>9</sup> AOA initiated a dialogue with some of these organizations (some are discussed in Section II below) in view of developing elements of a common policy on explosive weapons issues.

The explosive violence approach has also drawn attention from academics, notably in the fields of public health and political science, and has made inroads into scholarly debate. Coupland and Taback formulated a model to analyse the global health impact of armed violence, presenting data disaggregated by weapon type, including a category of explosive weapons.<sup>10</sup> Borrie and others have explored the implications of the cluster munitions ban for the broader issue of explosive weapons use in populated areas.<sup>11</sup> Rappert and Moyes suggested treating explosive weapons as “a distinct category regarding the risks they present at the time of use”. Arguing for a precautionary orientation, they propose greater efforts “to gather information on the effects of explosive weapons ... in order to understand the pattern of effects from such weapons” and, if shown to be warranted from a humanitarian standpoint, to “broaden the existing stigma associated with such acts”.<sup>12</sup> Recently, the merits of an explosive-weapons-centered approach as presented in the 2009 AOA report have been debated online by Carpenter and Carvin.<sup>13</sup>

## **The United Nations: building discourse**

In the 2009 report to the Security Council on the protection of civilians in armed conflict, the UN Secretary-General for the first time explicitly expressed concern about “the humanitarian impact of explosive weapons, in particular when used in densely populated areas”, and urged “Member States, in consultation with relevant United Nations and other actors, to consider this issue further”.<sup>14</sup> The Secretary-General’s concern resonated with a number of UN actors in the areas of development promotion, humanitarian coordination, staff security, refugee or child protection, mine action and disarmament, and awareness of explosive weapons impacts has been increasing within the United Nations.<sup>15</sup>

In accordance with the Secretary-General’s recommendation, the United Nations Institute for Disarmament Research (UNIDIR) launched the DEW project, which organized several symposia bringing together practitioners and policymakers to stimulate discussions on explosive weapons issues and explore ways of addressing the humanitarian challenges involved. The DEW project published several briefing papers and summary reports, and disseminated explosive-weapons-related information via its website.<sup>16</sup>

The UN Office for the Coordination of Humanitarian Affairs (OCHA) played an important role in raising awareness of the impact of explosive weapons on civilians in armed conflict. In particular, the head of OCHA, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, emphasized the humanitarian challenge posed by the use of explosive weapons in populated areas in a statement at the Security Council’s open debate on the protection of civilians in July 2010.<sup>17</sup> OCHA also co-hosted two explosive-weapons-focused events in September 2010,<sup>18</sup> raised explosive-weapons-related concerns in its briefings to the Security Council’s informal Expert Group on the protection of civilians, and supported inclusion of the issue in the Secretary-General’s report on the protection of civilians.

Based on data collected by various organizations across a range of conflicts, the Secretary-General again expressed concern about explosive weapons use in populated areas in the most recent report on the protection of civilians in armed conflict. This time, the Secretary-General formulated specific recommendations in support of “more systematic data collection and analysis of the human costs”, and increased cooperation by states in terms of collecting and making available information on civilian harm and of issuing policy statements that outline the conditions under which explosive weapons might be used in populated areas.<sup>19</sup>

### **The ICRC: raising awareness of a humanitarian challenge**

For the ICRC, “Waging battle in densely populated urban areas, sometimes with highly explosive weapons, is just one example” of the constant evolution in the means and methods of warfare contributing to the suffering of civilians in today’s conflicts.<sup>20</sup> The “guardian of international humanitarian law” has expressed concern about the use of “heavy weapons” in certain contexts. The ICRC president noted, for example, that “military operations conducted in densely populated urban areas, often using explosive force delivered by heavy weapons ... can have devastating humanitarian consequences for civilian populations in such environments”.<sup>21</sup> The ICRC also believes it raises concerns with respect to the protection of civilians from the effects of attack under international humanitarian law. The ICRC president said, for instance, that the use of heavy weapons in a densely populated area poses a serious problem and that it is very difficult to respect the rules on distinction and proportionality in such a situation.<sup>22</sup> Evidence of the humanitarian problem this poses can also be seen in data collected by the ICRC through its field hospitals.<sup>23</sup>

### **States: recognizing a humanitarian problem, calling for more data collection and research**

Some states—users or potential users of explosive weapons—have started to engage on explosive weapons issues. As mentioned above, Austria hosted a panel discussion, together with OCHA, on humanitarian impacts of explosive weapons in New York. Already during the UN Security Council open debate on the protection of civilians in 2009, a number of government representatives deplored the humanitarian impacts of improvised explosive devices detonated in high-density civilian areas, the use of cluster munitions or air bombardments, and the impact of landmines and explosive remnants of war, but only one state (Syria) used the term “explosive weapons”.<sup>24</sup> In the 2010 Security Council open debate, a change is noticeable in how states relate to the humanitarian problems posed by the use of explosive weapons in the vicinity of civilians. A number of representatives, including of Costa Rica, Mexico, Norway, Slovenia and the European Union, shared concerns about the threat posed to civilians by explosive weapons use in populated areas and the humanitarian consequences of such use. Several supported the Secretary-General’s recommendations, including more systematic data collection and further analysis and research into the human costs of explosive weapons use in populated areas.<sup>25</sup> Switzerland considers that the “use of certain explosive weapons in densely populated areas is clearly a major source of suffering for civilians in situations of armed conflict” and believes the issue should be considered further, “especially with a view to better implementing international humanitarian law”.<sup>26</sup> Mexico condemned “the use of explosives in areas where civilian populations are concentrated because of their indiscriminate effects and the attendant risks” and expressed the hope that the Security Council “will in the future adopt more forceful measures in response to the humanitarian impact of the use of explosives in densely populated areas”.<sup>27</sup>

## Preventing and alleviating human suffering from explosive violence in the vicinity of civilians

A number of actors are confronted in their work with the harmful effects of the use of (certain) explosive weapons in the vicinity of civilians. They may not at present frame their concerns in terms of explosive weapons use in populated areas, but a connection between humanitarian and development issues of concern to them and the use of particular weapons in populated areas is at times explicitly recognized. Some institutions compile and analyse data on humanitarian impacts of certain types of explosive weapons, such as improvised explosive devices.<sup>28</sup> Others seek to reduce harm from particular explosive weapons (and their remnants) through advocacy, campaigning, lobbying and policymaking, as well as multilateral diplomacy and standard-setting efforts aimed at users and potential users of explosive weapons.

Numerous actors carry out research and policy work on landmines, cluster munitions and explosive remnants of war, and many other mine action activities.<sup>29</sup> International efforts to ban cluster munitions, in particular, have not only been driven by alarm about the devastating post-conflict effects of these weapons, but also by concerns about their impact at time of use, especially when employed within concentrations of civilians.<sup>30</sup> However, as the focus of mine action is mostly on post-conflict aspects of explosive weapons use, such activities will not be discussed further in this paper.

### **Injuries from blast and fragmentation: medical evidence of a humanitarian and health problem**

As conflicts in today's urbanized world tend to be fought within or in the vicinity of human settlements, organizations providing humanitarian aid or protection on the ground are confronted in many contexts with the consequences of explosive weapons use in populated areas. The medical aid organization Médecins sans frontières (MSF) has in past statements explicitly linked wounding patterns and health impacts on civilians to such use. MSF medical teams recorded, for example, that from January to June 2009, 70% of the patients who received post-operative care in MSF Gaza Strip hospitals were wounded by explosive shells.<sup>31</sup> In February 2009, MSF reported that "many patients lost limbs due to shrapnel and shells" in the fighting in Sri Lanka's Vanni region and that most people brought to one of its hospitals had been wounded by shrapnel.<sup>32</sup> Data collected in an MSF hospital in the outskirts of Mogadishu, Somalia, led MSF to conclude that "64 percent of the war-wounded patients sustained serious blast injuries, largely consistent with continuous intensive mortar fire in the city residential areas".<sup>33</sup> MSF condemned such "indiscriminate shelling into densely populated areas", calling it "totally unacceptable".<sup>34</sup>

### **Shelling and bombing: a cause of displacement and a threat to children in armed conflict**

Explosive weapons can have very destructive effects on infrastructure, cause population displacement and hinder safe return of displaced persons due to explosive remnants left behind. Organizations working with displaced populations often voice concern about the shelling and bombing of populated areas.<sup>35</sup> For example, the United Nations High Commissioner for Refugees recently appealed to warring parties in Somalia "not to shell and target civilian neighbourhoods".<sup>36</sup> In some contexts, it has placed particular emphasis on the risk of serious harm to civilians from shelling or bombing and has identified this as a factor to consider in asylum-application assessments and repatriation decisions.<sup>37</sup>

Available evidence also indicates that children are particularly vulnerable to harm from explosive weapons use in populated areas.<sup>38</sup> The United Nations Children's Fund (UNICEF)

and the UN Office of the Special Representative of the Secretary-General for Children and Armed Conflict undertake a wide range of activities in favour of children, including those affected by armed violence. One aspect of this work is the collection of data and reporting on “maiming and killing” of children in armed conflict by way of a monitoring and reporting mechanism used in a number of conflicts.<sup>39</sup> Past reports of the Special Representative have mentioned direct and indirect impacts of air strikes or bombs on children.<sup>40</sup>

### **Indirect and long-term impacts of explosive violence: impeding human and socio-economic development**

Apart from immediate death and injury of civilians from the use of explosive weapons, explosive violence can impact civilians indirectly and have negative consequences in the long run. The 2010 *Protecting Education from Attack: A State of the Art Review* commissioned by the United Nations Educational, Scientific and Cultural Organization (UNESCO), specifically identifies “Destruction of education facilities by remotely detonated explosions, mortar and rocket fire, aerial bombing” as a particular type of attack on education. The report *Education under Attack* describes the immediate and long-term effects of shelling and bombing of educational facilities. Together with other types of violence such attacks constitute a barrier to the right to education and a serious protection issue.<sup>41</sup> A study by the humanitarian NGO CARE on attacks on educational institutions in Afghanistan paints a similar picture.<sup>42</sup>

Explosive weapons use in populated areas can also have detrimental impacts on socio-economic and human development, and on public health. Evidence for this can be seen in post-conflict early recovery and reconstruction work, as well as victim assistance activities, carried out by the United Nations Development Programme (UNDP) and others in contexts where explosive weapons were used on a large scale in populated areas.<sup>43</sup>

### **A human rights concern: raising pressing questions of transparency and accountability**

A number of international human rights organizations look at explosive weapons use causing civilian harm from an international human rights law perspective. Some of these organizations publish detailed analytical reports, promote the rights of victims and advocate for more transparency on the use of force and accountability—moral, political and legal—of those who use force. A few recent reports are discussed below.

Several Human Rights Watch (HRW) reports deal with the use of explosive weapons in the vicinity of civilians, for example rockets launched by Palestinian armed groups,<sup>44</sup> artillery shelling and missile attacks by Israeli forces,<sup>45</sup> the use of cluster munitions in Georgia<sup>46</sup> and South Lebanon,<sup>47</sup> and air strikes in Afghanistan and Yemen.<sup>48</sup> HRW has repeatedly condemned the use of cluster munitions, especially on or near populated areas, due to the foreseeable and excessive harm such attacks regularly cause to civilians.<sup>49</sup> It has also criticized the use of other explosive weapons near civilians, such as rockets and mortars that cannot be reliably aimed, and has expressed concern about the use of air strikes in populated areas.<sup>50</sup> In January 2009, HRW urged Israel to immediately stop the “use of heavy artillery in residential areas of Gaza City” because of the “horrific civilian casualties” that the blast and fragmentation effects of artillery shells will likely cause in such circumstances.<sup>51</sup> In connection with artillery shelling in or near populated areas, HRW also stressed the need to collect and analyse data regarding civilian casualties in order to collect and analyse data regarding Palestinian civilian casualties in order to assess the harm to civilians and thus “to base targeting decisions on a proper weighing of foreseeable civilian harm”.<sup>52</sup>

Amnesty International has also documented civilian harm from explosive weapons use, which led it to conclude in certain contexts that (long-distance) artillery, mortars and aerial

bombardment directed towards densely populated areas was inappropriate and should not be used.<sup>53</sup>

Lack of transparency and accountability in connection with explosive weapons use in populated areas has been identified as a human rights concern by several institutions, notably, the Campaign for Innocent Victims in Conflict (CIVIC). A recent CIVIC report on Northwest Pakistan documents extensive civilian harm from the use of bombs, artillery, mortars and air strikes by all warring parties.<sup>54</sup> In that report, CIVIC calls on the Pakistani government to “refrain from using artillery, mortars and airpower in densely populated areas”.<sup>55</sup>

Finally, human rights mechanisms within the United Nations have also raised explosive weapons issues. The Special Rapporteur on extrajudicial, summary or arbitrary executions stressed the need for public scrutiny of the effects on civilians of drone-launched attacks in the vicinity of civilians, “Especially in heavily populated urban areas”.<sup>56</sup> With a view to increasing transparency and accountability, the Human Rights Unit of the United Nations Assistance Mission in Afghanistan (UNAMA) monitors incidents involving loss of life or injury to civilians. Data presented in their reports over the last few years shows that explosive weapon attacks in populated areas, especially improvised explosive device attacks (including suicide bombings) and air strikes account for a significant portion of civilians killed and injured.<sup>57</sup> The work of UNAMA was commended by the Secretary-General in the 2010 report on the protection of civilians as an “example of good practice”.<sup>58</sup>

## Conclusion

A growing number of actors have begun to take an interest in the impacts of explosive violence on civilians, and the potential for generating new policy options to enhance their protection. Support appears to be growing for an approach that links civilian harm explicitly to the use of explosive weapons in populated areas.<sup>59</sup> The United Nations has repeatedly raised explosive weapons concerns, including at the highest level, the ICRC has also raised the issue, a group of non-governmental organizations are beginning a dialogue on the topic, and a growing number of states have spoken in favour of considering the issue further. Almost all respondents to the DEW project’s survey about explosive weapons and related work indicated that they believe their institution will in 2011 be involved in or support work aiming to reduce and prevent civilian harm from explosive weapons use in populated areas. Responses to the questionnaire also showed that explosive weapons concerns are cross-cutting and can be situated within different streams of work and raised in a variety of fora, including in the frameworks of armed violence reduction, child protection, development, disarmament, human security, mine action or protection of civilians.<sup>60</sup>

In view of the Secretary-General’s recommendations to Member States, UN actors and international and non-governmental institutions,<sup>61</sup> there is clearly scope for more effort, including concerted work among other interested actors, focusing on understanding and addressing the humanitarian impacts of explosive weapons use in populated areas. This could include work with survivors; data collection and research; incorporation of explosive weapons language into policy documents, reports and communications; and dialogue with the users of explosive force. Past efforts to address the humanitarian impacts of landmines, explosive remnants of war and cluster munitions suggest that more systematic, transparent and relevant data on the humanitarian impacts of explosive weapons use in populated areas is critical to coming to grips with the hazards such use poses to civilians, and ways to reduce the impacts of such use.

## Notes

- 1 This paper focuses on work relating to international policymaking to address civilian harm from the use of explosive weapons in populated areas. It is mainly concerned with the humanitarian and developmental impacts of explosive weapons use, and not with other aspects of explosive weapons such as stockpile security, non-proliferation, counter-terrorism or military (e.g. in response to improvised explosive devices) initiatives. For more information and background about explosive weapons work, see [www.ExplosiveWeapons.info](http://www.ExplosiveWeapons.info).
- 2 The survey comprised questions about explosive-weapons-related work that institutions are currently undertaking or planning. Twenty persons, representing eighteen different non-governmental and inter-governmental organizations, responded to the questionnaire.
- 3 The other two respondents considered that such use did indeed constitute a problem, but that they had yet to develop a policy or public position on the matter.
- 4 R. Moyes, *Explosive Violence, The Problem of Explosive Weapons*, Landmine Action, 2009.
- 5 For more information on Medact, see [www.medact.org](http://www.medact.org).
- 6 AOAV does media monitoring of explosive weapons incidents, conducts field research to gather qualitative data and publishes research reports and position papers on explosive weapons issues. See [www.landmineaction.org/resources](http://www.landmineaction.org/resources), <http://aoav.org.uk> and <http://explosiveviolence.wordpress.com>.
- 7 Save the Children UK, *Danger, Death and Destruction: The Impact of Explosive Weapons on Children*, forthcoming 2011.
- 8 Insecurity Insight is an organization specialized in generating data on the impact of insecurity on people's lives. Although the scope of such study is broader, incidents involving explosive weapons make up an important subset of the data analysed. See [www.insecurityinsight.org](http://www.insecurityinsight.org).
- 9 Increasing concern about the use of explosive weapons in populated areas was also expressed in a declaration adopted in September 2009 by representatives of over 340 NGOs from more than 55 countries. The declaration urges governments and international organizations to "Establish a ban on the use of explosive force in populated areas". See Security Council, *NGO Letter dated 18 September 2009 from the Permanent Representative of Mexico to the United Nations addressed to the President of the Security Council*, UN document S/2009/477, 22 September 2009.
- 10 R. Coupland and N. Taback, "Towards collation and modelling of the global cost of armed violence on civilians", *Medicine, Conflict and Survival*, vol. 21, no. 1, 2005; Landmine Action's *Explosive Violence* report has also been noted in the medical and public health fields. See for instance, C. Buhmann, "The direct and indirect costs of explosive violence: recognition and documentation need to translate into policy action and political support", *British Medical Journal*, vol. 339, no. 7724, 2009, p. 761; and Global Response 2010, Conference on Violent Conflict and Health, Copenhagen, 22–25 January 2010, final report, p. 14.
- 11 J. Borrie, *Unacceptable Harm: A History of How the Treaty to Ban Cluster Munitions Was Won*, UNIDIR, 2009, p. 335; and D. Atwood, J. Borrie, M. Brehm and S. Cattaneo, "Learn, adapt, succeed: potential lessons from the Ottawa and Oslo processes for other disarmament and arms control challenges", *Disarmament Forum*, vol. 1, 2009, pp. 19–25.
- 12 B. Rappert and R. Moyes, "Enhancing the protection of civilians from armed conflict: precautionary lessons", *Medicine, Conflict and Survival*, vol. 26, no. 1, 2010, pp. 40–4; See also B. Rappert, *A Convention Beyond the Convention: Stigma, Humanitarian Standards and the Oslo Process*, Landmine Action, 2008, p. 19.
- 13 C. Carpenter, "Is It time to ban explosive weapons?", 8 May 2010, [www.lawyersgunsmoneyblog.com/2010/05/is-it-time-to-ban-explosive-weapons](http://www.lawyersgunsmoneyblog.com/2010/05/is-it-time-to-ban-explosive-weapons); S. Carvin, "The case against the case against blast weapons", 1 October 2010, <http://duckofminerva.blogspot.com/2010/10/case-against-case-against-blast-weapons.html>; and S. Carvin, "The case against the case against blast weapons II: stigma and banning on intent vs effect (and a response to Charli Carpenter)", 19 October 2010, [http://duckofminerva.blogspot.com/2010/10/case-against-case-against-blast-weapons\\_19.html](http://duckofminerva.blogspot.com/2010/10/case-against-case-against-blast-weapons_19.html).
- 14 Security Council, *Report of the Secretary-General on the Protection of Civilians in Armed Conflict*, UN document S/2009/277, 29 May 2009, para. 36.
- 15 The United Nations Development Programme, Department of Safety and Security, United Nations High Commissioner for Refugees, United Nations Children's Fund, United Nations Institute for Disarmament Research, United Nations Mine Action Service, Office for the Coordination of Humanitarian Affairs and Office for Disarmament Affairs have all been instrumental in raising awareness and putting the explosive weapons issue on the agenda of the United Nations. This is, for instance, evidenced in the UN Deputy Secretary-General's statement at the First Meeting of States Parties to the Convention on Cluster Munitions in Vientiane, Lao People's Democratic Republic, in which she called on the international community to give further attention to "the use of explosive weapons in populated areas" and to "explore what can be done" to prevent the civilian suffering caused. Department for Public Information, "Deputy Secretary-General, at Meeting on Cluster Munitions Treaty, Seeks Action on Comparable Issues: Anti-Vehicle Mines, Explosives in Populated Areas", UN document DSG/SM/531 DC/3266, 9 November 2010.
- 16 All documents produced by the DEW project are available at [www.ExplosiveWeapons.info](http://www.ExplosiveWeapons.info) and [www.UNIDIR.org](http://www.UNIDIR.org). The DEW project, together with others, also disseminates news about explosive weapons incidents causing

civilian harm via the twitter feed <http://twitter.com/explosiviolence>.

17 Security Council, UN document S/PV.6354, 7 July 2010, p. 6.

18 On 14 September 2010, OCHA, together with the Permanent Mission of Austria to the United Nations in New York, co-hosted a panel discussion on the humanitarian impacts of explosive weapons, and on 15 September 2010, OCHA co-organized a symposium on explosive weapons together with the DEW project. For more information on the latter event, see <http://explosiveweapons.info/events0/explosive-weapons-use-in-populated-areas-a-pressing-humanitarian-concern>.

19 Security Council, *Report of the Secretary-General on the Protection of Civilians in Armed Conflict*, UN document S/2010/579, 11 November 2010, paras. 50–1.

20 Statement of 22 November 2010 by Yves Daccord, Director General of the ICRC, in Security Council, UN document S/PV.6427, provisional, p. 10.

21 See “Sixty years of the Geneva Conventions and the decades ahead”, 9 November 2009, [www.icrc.org/eng/resources/documents/statement/geneva-convention-statement-091109.htm](http://www.icrc.org/eng/resources/documents/statement/geneva-convention-statement-091109.htm); See also: “Geneva Conventions still going strong at 60”, 7 August 2009, [www.icrc.org/web/eng/siteeng0.nsf/htmlall/geneva-convention-interview-120809](http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/geneva-convention-interview-120809): “... military operations have increasingly taken place in densely populated urban areas, often using heavy or highly explosive weapons. From Grozny to Mogadishu and from Baghdad to Gaza City, armed conflict has had a devastating impact on the civilian population”.

22 “Jakob Kellenberger «Combien de morts faudra-t-il encore à Gaza!»”, 2 February 2009, [www.24heures.ch/actu/monde/jakob-kellenberger-combien-morts-faudra-gaza-2009-02-01](http://www.24heures.ch/actu/monde/jakob-kellenberger-combien-morts-faudra-gaza-2009-02-01): “Le recours aux armes lourdes dans une zone aussi dense que Gaza pose un sérieux problème ... Même si vous avez la volonté de respecter ces deux dernières règles, c’est très difficile si vous utilisez des armes si lourdes dans une zone d’une telle densité de population”.

23 For example, medical data collected in Kabul between January 1991 and July 1998 shows that a significantly greater proportion of civilians were injured by fragments from shells, bombs, mortars or by mines than by bullets. According to Coupland and Samnegaard, this tendency is likely to be exaggerated in an urban context: R. Coupland and H. Samnegaard, “Effect of type and transfer of conventional weapons on civilian injuries: retrospective analysis of prospective data from Red Cross hospitals”, *British Medical Journal*, vol. 319, no. 1999, pp. 410–2. For more information about the particular wounding patterns caused by such weapons, see ICRC, *Wound Ballistics: An Introduction for Health, Legal, Forensic, Military and Law Enforcement Professionals*, 2008.

24 Security Council, UN document S/PV.6151, 26 June 2009; and Security Council, UN document S/PV.6151 (Resumption 1), 26 June 2009.

25 See the statements of 22 November 2010 of Australia, Austria, Costa Rica (on behalf of the Human Security Network), Mexico, Norway, Slovenia, Switzerland, and the European Union in Security Council, UN document S/PV.6427, provisional; and Security Council, UN document S/PV.6427 (Resumption 1), provisional.

26 Statement of 22 November 2010 in Security Council, UN document S/PV.6427, provisional, p. 31.

27 *Ibid.*, pp. 23–4.

28 For example, the Secretary-General’s Policy Committee has requested the development of a comprehensive policy to address the threat posed by improvised explosive devices to UN staff and property.

29 For more information, see *Landmine and Cluster Munition Monitor*, [www.the-monitor.org](http://www.the-monitor.org).

30 See *Declaration on Cluster Munitions*, UN document CCW/CONF.III/WP.18, 20 November 2006.

31 “January—June 2009: Médecins Sans Frontières reorganizes its activities in the Gaza Strip”, [www.msf.org/au/resources/special-features/gaza-after-the-war/gaza-strip-update.html](http://www.msf.org/au/resources/special-features/gaza-after-the-war/gaza-strip-update.html).

32 “Sri Lanka: Sick and wounded arrive at Vavuniya hospital”, 2 February 2009, [www.msf.org/msfinternational/invoke.cfm?objectid=3668D4CB-15C5-F00A-254A89F9EB836916&component=toolkit.article&method=full\\_html](http://www.msf.org/msfinternational/invoke.cfm?objectid=3668D4CB-15C5-F00A-254A89F9EB836916&component=toolkit.article&method=full_html); and “MSF treating hundreds of wounded arriving from Sri Lankan war zone”, 21 April 2009, [www.msf.org/msfinternational/invoke.cfm?objectid=C9A03006-15C5-F00A-257F6197E0BE8F90&component=toolkit.article&method=full\\_html](http://www.msf.org/msfinternational/invoke.cfm?objectid=C9A03006-15C5-F00A-257F6197E0BE8F90&component=toolkit.article&method=full_html): “The injuries are mostly caused by shrapnel and landmines.”

33 “Somalia’s civilians continue to bear brunt of Mogadishu warfare”, 4 August 2010, [www.msf.org/msfinternational/invoke.cfm?objectid=3CC5B069-15C5-F00A-25E9A93959883425&component=toolkit.article&method=full\\_html](http://www.msf.org/msfinternational/invoke.cfm?objectid=3CC5B069-15C5-F00A-25E9A93959883425&component=toolkit.article&method=full_html).

34 “Mogadishu: 66 women and children Injured by indiscriminate shelling”, 3 February 2010, [www.doctorswithoutborders.org/press/release.cfm?id=4251](http://www.doctorswithoutborders.org/press/release.cfm?id=4251).

35 See for example, “Appeal for more humanitarian assistance to IDPs in Puntland”, 22 February 2010, <http://www.drc.dk/news/news/artikel/appeal-for-more-humanitarian-assistance-to-idps-in-puntland/>: “Indiscriminate shelling of civilian neighborhoods, particularly in the capital, have forced thousands of Somalis to flee each month in all directions”; see also, “Jablanica, A temporary shelter and a permanent home”, [www.drc.dk/relief-work/where-we-work/eastern-europe/bosnia-and-herzegovina/jablanica](http://www.drc.dk/relief-work/where-we-work/eastern-europe/bosnia-and-herzegovina/jablanica); “Northern Iraq: Turkish shelling causing displacement”, 18 December 2007, [www.unhcr.org/4767a6f94.html](http://www.unhcr.org/4767a6f94.html); and “War: creating a lifetime of nightmares for children”, 17 July 2009, [www.unhcr.org/4a60638b6.html](http://www.unhcr.org/4a60638b6.html).

36 “UNHCR Goodwill Ambassador Angelina Jolie appeals for safety of civilians in Mogadishu”, 19 April 2010, [www.unhcr.org/4bcc77479.html](http://www.unhcr.org/4bcc77479.html); and “UNHCR condemns victimization of civilians in Somalia”, 16 April 2010,



[www.unhcr.org/4bc852459.html](http://www.unhcr.org/4bc852459.html): “Residents have described this week’s shelling as among the worst in months. ... UNHCR again urges parties to the conflict to avoid targeting civilian facilities and heavily populated areas of Mogadishu which already shelter more than 300,000 internally displaced people”.

37 United Nations High Commissioner for Refugees, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Somalia*, 5 May 2010, p. 2: “Indiscriminate bombardment of and military offensives carried out in civilian areas with little or no regard for the rules of war, road-side, and vehicle-borne bombs, grenade attacks in civilian areas, ... have been all too frequent. ... Asylum applicants ... cited fighting between the Transitional Federal Government ... and insurgent groups, including shelling of residential areas and bombing attacks on busy streets, as specific reasons for their flight”; “Stop sending Somalis back to Mogadishu, says U.N. refugee chief”, 13 October 2010, [www.alertnet.org/db/an\\_art/60167/2010/09/13-220308-1.htm](http://www.alertnet.org/db/an_art/60167/2010/09/13-220308-1.htm).

38 R. Moyes, *Explosive Violence, The Problem of Explosive Weapons*, Landmine Action, 2009, p. 26.

39 The mechanism was set up by Security Council resolution 1612 (2005) and reinforced by resolution 1882 (2009).

40 Office of the Special Representative of the Secretary-General for Children and Armed Conflict, *Visit of the Special Representative for Children & Armed Conflict to Afghanistan, 20–26 February 2010*, p. 8: “The Special Representative noted that the UN had confirmed that 131 children were killed as a result of air strikes”. In connection with her visit to the Occupied Palestinian Territory and southern Israel in February 2009, the Special Representative noted: “There is no doubt that children live in constant fear of missile attacks in Southern Israel. The need for psycho-social support has increased recently”: “Middle East: children demand answers and we must deliver now”, 6 February 2009, <http://www.un.org/children/conflict/english/pr/2009-02-05207.html>.

41 UNESCO, *Education under Attack*, 2010; UNESCO, *Protecting Education from Attack*, 2010.

42 M. Glad, *Knowledge on Fire: Attacks on Education in Afghanistan*, CARE, 2009: “Explosions in or near schools buildings (including throwing of grenades, mines and rocket attacks)” are common. Citing UNICEF data, the report counts 123 explosions in or near school buildings between 2006 and May 2008 (p. 27). In some places, such as in Herat, explosions account for 68% of attacks (p. 62).

43 UNDP’s early recovery and needs assessment in Gaza illustrates the severe long-term impacts that the use of explosive weapons in populated areas can have on basic services, livelihoods and utilities infrastructure; see *One Year After*, UNDP, 2010. UN Environmental Programme (UNEP) post-crisis assessments at times establish a link between impacts on the environment and the use of explosive weapons, such as in the context of air strikes. See in particular, United Nations Environment Programme, *UNEP in Iraq, Post-Conflict Assessment, Clean-up and Reconstruction*, 2007; and United Nations Environment Programme, *Lebanon Post-Conflict Environmental Assessment*, 2007. UN-Habitat is sometimes confronted with the impacts of explosive weapons use on human settlements, e.g. when carrying out post-conflict reconstruction and urban development programmes in cities where infrastructure was severely damaged by bombings. See, for example, United Nations Human Settlements Programme, *Enhancing Urban Safety and Security, Global Report on Human Settlements 2007*, 2007; “UN-HABITAT completes EUR 1.2 million housing rehabilitation in Lebanon”, 21 February 2008, [www.unhcr.org/content.asp?cid=5579&catid=208&typeid=6&subMenuId=0](http://www.unhcr.org/content.asp?cid=5579&catid=208&typeid=6&subMenuId=0).

44 See for example, HRW, *Rockets from Gaza: Harm to Civilians from Palestinian Armed Groups’ Rocket Attacks*, 2009.

45 HRW, *Precisely Wrong: Gaza Civilians Killed by Israeli Drone-Launched Missiles*, 2009. This report describes “high explosive artillery” as “weapons that affect large areas” (p. 3), and questions the legality of attacks with drone-launched missiles “that happened in densely populated areas, including in central Gaza City”.

46 HRW, *Georgia, A Dying Practice, Use of Cluster Munitions by Russia and Georgia in August 2008*, 2009. This report notes that when cluster munitions are used “in or near populated areas, civilian casualties are virtually guaranteed” (p. 2); and: “Cluster munition attacks in or near populated areas should be presumed indiscriminate” (p. 4).

47 B. Docherty et al., *Flooding Southern Lebanon, Israel’s Use of Cluster Munitions in Lebanon in July and August 2006*, Human Rights Watch, 2008.

48 HRW, *All Quiet on the Northern Front? Uninvestigated Laws of War Violations in Yemen’s War with Huthi Rebels*, 2010: “artillery shelling by both sides and government aerial bombardments have killed hundreds of civilians, injured untold more, and destroyed entire villages”.

49 B. Docherty et al., *Flooding Southern Lebanon, Israel’s Use of Cluster Munitions in Lebanon in July and August 2006*, Human Rights Watch, 2008, p. 15: “Cluster munition attacks on or near population centers, ... give rise to a presumption that they are indiscriminate, as the weapons are highly imprecise with a large area effect that regularly causes foreseeable and excessive civilian casualties during strikes and afterwards”.

50 See for instance, HRW, *Rockets from Gaza: Harm to Civilians from Palestinian Armed Groups’ Rocket Attacks*, 2009; HRW, *Troops in Contact, Airstrikes and Civilian Deaths in Afghanistan*, 2008, p. 7; and HRW, *Harsh War, Harsh Peace—Abuses by al-Shabaab, the Transitional Federal Government, and AMISOM in Somalia*, 2010, p. 7.

51 "Israel : Stop Shelling Crowded Gaza City", 16 January 2009, [www.hrw.org/en/news/2009/01/16/israel-stop-shelling-crowded-gaza-city](http://www.hrw.org/en/news/2009/01/16/israel-stop-shelling-crowded-gaza-city).

52 HRW, *Indiscriminate Fire, Palestinian Rocket Attacks on Israel and Israeli Artillery Shelling in the Gaza Strip*, 2007, p. 17.

53 One report speaks of the "danger of using artillery, which cannot be accurately targeted, in the midst of a densely populated residential area" (p. 33) and concludes that artillery "should never be used in populated areas" (p. 2). The same report considers that mortars "carry a high risk of off-target strikes and should never be used in a densely populated area" (p. 37). Amnesty International, *Israel/Gaza: Operation "Cast Lead": 22 Days of Death and Destruction*, 2009. See also Amnesty International, *"As if Hell Fell on me": The Human Rights Crisis in Northwest Pakistan*, 2010. See also Amnesty International, *No End in Sight: The Ongoing Suffering of Somalia's Civilians*, 2010, p. 3: "the use of mortars and other weapons that are inappropriate for fighting in densely populated civilian areas ... are [sic] likely to have resulted in indiscriminate attacks".

54 C. Rogers, *Civilian Harm and Conflict in Northwest Pakistan*, CIVIC, 2010. Those interviewed by CIVIC indicated that "artillery shelling and mortar fire were the most common causes of harm suffered by civilians during military operations" (p. 17); "70–75% of those admitted to [health] facilities in Peshawar sustained injuries from bomb blasts, mortars, and artillery" (p. 29).

55 *Ibid.*, p. 76.

56 Human Rights Council, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston*, UN document A/HRC/14/24/Add.6, 28 May 2010. The Human Rights Council has also dealt with the impacts of explosive weapons use in populated areas on civilians in other contexts. See for instance, Human Rights Council, *Report of the United Nations Fact-Finding Mission on the Gaza Conflict*, UN document A/HRC/12/48, 25 September 2009; Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk*, UN document A/HRC/10/20, 11 February 2009; Human Rights Council, *Report of the independent expert on the situation of human rights in Somalia, Shamsul Bari*, UN document A/HRC/13/65, 23 March 2010.

57 For more information, see for instance United Nations Assistance Mission in Afghanistan, *Afghanistan, Mid Year Report 2010, Protection of Civilians in Armed Conflict*, 2010. The report does not give information about other kinds of civilian harm, e.g. destruction of property, and indirect, longer term impacts on civilians.

58 Security Council, *Report of the Secretary-General on the Protection of Civilians in Armed Conflict*, UN document S/2010/579, 11 November 2010, para. 50.

59 IKV Pax Christi Netherlands is planning to conduct several studies in 2011 on aspects of explosive weapons use in populated areas. The non-governmental organization Security Council Report mentioned effects on civilians of explosive weapons in a recent report and noted that beginning to focus on this issue "may offer a significant protection impact"; Security Council Report, *Protection of Civilians in Armed Conflict*, 2010, p. 3.

60 Survey participants see their explosive-weapons-related work mostly in connection with armed violence prevention, conventional disarmament or arms control, humanitarian disarmament, mine action, humanitarian protection, human security and the promotion of international humanitarian law.

61 Security Council, *Report of the Secretary-General on the Protection of Civilians in Armed Conflict*, UN document S/2010/579, 11 November 2010, paras. 50–1.



# UNIDIR RESOURCES

## About UNIDIR

The United Nations Institute for Disarmament Research (UNIDIR)—an autonomous institute within the United Nations—conducts research on disarmament and security. UNIDIR is based in Geneva, Switzerland, the centre for bilateral and multilateral disarmament and non-proliferation negotiations, and home of the Conference on Disarmament. The Institute explores current issues pertaining to the variety of existing and future armaments, as well as global diplomacy and local tensions and conflicts. Working with researchers, diplomats, government officials, NGOs and other institutions since 1980, UNIDIR acts as a bridge between the research community and governments. UNIDIR's activities are funded by contributions from governments and donor foundations.