Explosive weapons in populated areas:
Where civilians pay the price

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The bombing and shelling of towns and cities was a key cause of death and destruction in conflicts around the world in 2014.[1] As a founding member of the International Network on Explosive Weapons (INEW), PAX works to reduce harm caused by explosive weapons in populated areas and enhance transparency about the consequences of its use, including the impact on the civilian population.[2] Often, collateral damage from the use of explosive weapons in populated areas is seen as an unfortunate yet 'normal' or inevitable consequence of war. We challenge that. Explosive weapons cause a distinct and predictable form of humanitarian harm to civilians when used in populated areas. This PAX policy paper briefly describes the humanitarian problem and suggests ways to prevent the civilian harm caused by the use of explosive weapons in populated areas.

WHAT ARE EXPLOSIVE WEAPONS?

While different technical features dictate the precision and effect of explosive weapons, their blast and fragmentation effects make their use in populated areas particularly problematic. Recent events in Ukraine, Gaza and Syria show the urgency to address the humanitarian harm caused when heavy explosive weapons are used in towns and cities.

Explosive weapons are weapons that affect an area around the point of detonation, usually through the effects of blast and fragmentation. Explosive weapons refer to a broad category of weapons, including mortar bombs, tank grenades, rockets, missiles, landmines and cluster munitions. (The latter two have been banned internationally because of their inherent indiscriminate effects.) Despite a large variation in effect, function, design and means of delivery, explosive weapons broadly share certain basic characteristics. They contain a high explosive substance, and when detonated they project shrapnel, create heat and produce a blast wave.

These shared characteristics create a distinct pattern in the damage these weapons cause. Most damage is caused when explosive weapons have a wide area effect. This is the case with weapons that have a large fragmentation or blast radius, when multiple explosive weapons are fired at the same target, when they are inaccurate or a combination of these three characteristics. Explosive weapons are considered distinct from firearms, 'less lethal' weapons[3], incendiary weapons, and nuclear, biological or chemical weapons. Explosive weapons include factory-made munitions like grenades, mortar shells and rockets, as well as home-made bombs (improvised explosive devices, or IEDs).

A PATTERN OF FORESEEABLE HARM

Upon detonation, explosive weapons injure or kill people and damage or destroy objects present in the area around the target. These constitute the immediate or primary effects of explosive weapons. In the long term, they cause permanent physical disabilities, psychological suffering, loss of socio-economic infrastructure (access to schools, power supply), and often leave behind unexploded ordnance (UXO), prolonging the threat these weapons cause. UXO can deny the use of or access to the areas they contaminate, for instance depriving populations of valuable arable land.

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[1] See Steve Goose and Ole Solvang, *Deadly cargo: explosive weapons in populated areas*, Open Democracy, 30 December 2014: https://www.opendemocracy.net/open-security/steve-goose-ole-solvang/deadly-cargo-explosive-weapons-in-populated-areas.
[2] For more information about INEW, see www.inew.org.
[3] Less lethal weapons are generally defined as pain-inducing weapons less likely to kill a living target, and include for example directed energy weapons and electroshock weapons http://en.wikipedia.org/wiki/Non-lethal_weapon.

Research by the British NGO Action on Armed Violence (AOAV) in 2011-2013 shows that manufactured explosive weapons (MEW) caused 35,341 recorded casualties between 2011 and 2013 in 14 countries worldwide. Of these casualties, 72% were civilians (25,326). When used in populated areas, 88% of casualties were civilians, compared to 24% in other areas.[4]

WHAT TO DO?

The above concerns raise the question what laws apply to the use of explosive weapons in populated areas and how states implement them. In times of war, International Humanitarian Law (IHL) applies as a way to minimize humanitarian harm. Through the principles of proportionality and distinction, states are obliged to limit civilian casualties as much as possible. But the rules of proportionality and distinction leave room for interpretation, and different situations will lead to different outcomes. Interpretation of IHL thus far has not prevented the grave effects of the use of explosive weapons in populated areas.

In a 2014 Note Verbale, UN Secretary-General Ban Ki-moon requests Member States to make available information on practice and policy that governs or places limits on the use by armed forces of explosive weapons with wide area effects in populated areas. According to Ban, it will be beneficial to compile these practices and policies "with a view to establishing stronger standards in this area."[5] Clearly, it is time to reevaluate IHL when it comes to the use of explosive weapons in populated areas. To this end PAX and INEW make the following recommendations:

WE CALL UPON STATES TO:

• Acknowledge that the use of explosive weapons with a wide area effect in populated areas is problematic and poses a severe threat to civilians;

• gather and make available relevant data on civilian harm caused by the use of explosive weapons;

• review and share national policies and practices related to the use of explosive weapons in populated areas; and

• develop stronger international standards and commitments to prevent the use of explosive weapons with a wide area effect in populated areas.

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[4] Action on Armed Violence (AOAV), "The Impact of Manufactured Explosive Weapons: three years of data, 2011-2013", 2014, available at: https://aoav.org.uk/2014/three-years-manufactured-explosive-weapons/
[5] UN Secretary General's note verbale, ref. OCHA/NV/188/2014 of 1 October 2014.