

Open Session on Protection of civilians against the use of explosive weapons in populated areas

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Tomorrow (17 July) the African Union (AU) Peace and Security Council (PSC) will hold an open session on the protection of civilians against the use of explosive weapons in populated areas.

During the session it is expected that the Permanent Representative of Mozambique to UN Office in Geneva, representatives of the International Network on Explosive Weapons (INEW) and the International Committee of the Red Cross (ICRC) will deliver their presentations. AU Peace and Security Department is also expected to make a statement.

The adverse effect of the use of explosive weapons in populated areas (EWIPA) has been a widely recognized challenge causing harm to civilians in conflicts. As indicated in the concept note, civilians are the overwhelming majority constituting 90% of victims during the use of wide-area effects explosive weapons in populated areas. Weapons designed to spread a wide effect or lacking precision when launched, often times lead to civilian suffering. In a time where violence and conflicts are increasingly taking place in populated cities instead of remote areas, the impact of the use of such weapons rises exponentially.

Beyond the immediate impact, the effects have long-term consequences in terms of the destruction of infrastructure, education and health facilities heavily affecting the coping capacity of communities. Particularly in the context of

protracted conflicts, EWIPA may also delay or complicate conflict reconstruction and peace building processes.

With the increased level of urbanization coupled with the rise of conflicts in cities, various types of explosive weapons are being used such as mines, anti-personnel mines, missiles and grenades both by national military forces and armed groups. The AU has demonstrated commitment in the fight against the use of anti-personnel mines. 51 African member states have ratified the Anti-Personnel Mine Ban Convention (Ottawa Treaty). The 837th PSC session recognizing the risks associated with improvised explosive device (IED) and their devastating impact on civilians, called on 'Member States to prevent and counter the use of Improvised Explosive Devices (IED) through integrated and coherent approaches including helping one another, and demand the Commission to continue consultations with Member States to develop the necessary framework in this regard'.

Moreover, the protection of civilians has been a key priority to the AU as it is articulated in various policy instruments and deliberations. The AU provides a comprehensive definition to the protection of civilians. The Draft Guidelines for the protection of civilians in PSOs identified four tiers or dimensions of protection: protection through political process; physical protection; rights-based protection; and establishing a secure environment.

A dedicated regional meeting on Protecting Civilians from the Use of Explosive Weapons in Populated Areas was also held in November 2017. In the communiqué of the meeting states highlighted that they 'support the process that will lead to the negotiation and adoption of an international political declaration on the use of explosive weapons in populated areas'. The meeting although aimed at forming a group of African States that can actively support the development of the declaration, thus far only Senegal and Mozambique have participated in the diplomatic process. The two countries will

represent Africa in the Core Group that will be leading on the development of the declaration. Following the upcoming October 2019 conference in Vienna, the declaration is expected to be adopted in Dublin in 2020.

Similarly the United Nations Secretary-General António Guterres in his annual report on the protection of civilians in May 2019 called on member states to join the political process.

Across the continent EWIPA is further exacerbated by the increasing flow of illicit arms. The 788 session of the PSC highlighted that flow of 'small arms and light weapons (SALW), to non-state actors contributes significantly towards exacerbating insecurity and violence in various parts of Africa, thereby undermining social cohesion, public security, socio-economic development and the effective functioning of state institutions'.

Presenters particularly the ICRC may highlight and provide an overview of the humanitarian dimension of the use of EWIPA, including the failure of such weapons to meet the international humanitarian law principles of distinction and proportionality. The destruction of homes and basic infrastructure the use of EWIPA coupled with a lack of access to basic services, lead to forced displacement of civilians. The delivery of humanitarian aid is often times hampered by destruction of roads, preventing access to life saving assistance and basic services. Hence, beyond the direct impact on people it affects the entire system of particular area or a country. Within the context of 2019 theme on Refugees, IDPs and Returnees the interventions may further highlight the linkages with forced displacement and the challenges associated with returns due to the destruction of homes and livelihoods.

INEW's intervention may elaborate on the distinctive pattern of harm caused to civilians by the use of EWIPA. Given its

role in the development of the political declaration, it may provide further details on the progress made thus far and next steps. It may also elaborate on why such a declaration is needed and how it can serve as a guiding framework for member states in their efforts in designing policies and in effectively responding to the security threat. The declaration may explicitly address issues related to harm of civilians due to the use of EWIPA and it may also pay particular attention on the mechanisms to ensure protection of civilians.

The representative of Mozambique may highlight the key outcomes of the Maputo regional meeting and elaborate on the country's role and contribution in articulating a global political commitment anchored by provisions in existing African instruments.

The expected outcome of the session is a press statement. The PSC in the outcome document may recommend key actions and next steps towards mitigating harm and ensuring the full protection of civilians. It may commend Mozambique and Senegal for their leadership in contributing to the process of developing the political declaration. It may call on member states to strengthen their efforts by utilizing existing regional and international instruments. It may also call for a greater respect for international humanitarian law to reduce suffering of civilians.