



Save the Children

Draft Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences that can arise from the use of Explosive Weapons with Wide Area Effects in Populated Areas

Save the Children

Written Submission

31.3.21

Dear Sir, Madam,

Thank you again for your efforts in drafting this important declaration.

Kindly find below Save the Children's comments on the draft as of 2 April 2021:

In general, we support the comments provided by INEW during the consultation and in writing.

In addition, kindly find some specific comments from Save the Children below.

We believe a stronger emphasis on children throughout the declaration would both:

- Allow the declaration to serve as a tool to better advance the protection of children in conflict; and
- Strengthen the declaration as a whole by highlighting the [specific vulnerabilities](#) children face from explosive weapons.

In addition:

- **The number of children effected:** In the past decade, more than 93,000 children have been killed or maimed in conflict. While the causes of these deaths and injuries are manifold, one dominant trend has been the use of explosive weapons in populated areas. Explosive weapons accounted for 3,842 (37%) of the 10,294 incidents of killing and maiming of children in 2019 – with the proportion much higher in some contexts. A total of 426 million children were found to be living in conflict zones overall in 2019 – the second highest total ever recorded.
- **The high proportion of children among civilian casualties:** Open source reporting has consistently found that an estimated half of civilian casualties are children
- **The specific vulnerabilities of children:** When harmed by explosive weapons, children are more likely to get killed than adults, they are more likely to suffer long-lasting or permanent physical and psychological injuries, and they are less likely to receive appropriate treatment.

Comments on declaration text

We fully support the comments provided in writing by INEW. In addition to those we would recommend the following adjustments:



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1.1

As armed conflicts become more protracted, complex, and urbanised, the risks to civilians, especially children, have increased. The causes can involve a range of factors, including the use of explosive weapons with wide area effects in populated areas, and pose complex challenges for the protection of civilians.

1.2

- Explosive weapons with wide area effects can have a devastating impact on civilians, particularly children, and civilian objects in populated areas. Blast and fragmentation effects cause immediate deaths and injuries. Beyond these direct effects, civilian populations can also be exposed to severe and long-lasting indirect effects – also referred to as ‘reverberating effects’. When harmed by explosive weapons, children are more likely to get killed than adults, they are more likely to suffer long-lasting or permanent physical and psychological injuries, and they are less likely to receive appropriate treatment. When critical civilian infrastructure is damaged or destroyed, such as energy networks, water and sanitation systems, the provision of essential services such as healthcare and education are disrupted. These services are often interconnected and, as a result, damage to one component or service can negatively affect services elsewhere, causing harm to civilians, especially children, that can extend far beyond the weapon’s impact area.

Support INEW comment: × Whilst removing of the word ‘beyond’ in the sentence that describes the immediate deaths and injuries from EWIPA use, it still does not place enough emphasis on the direct effects. This provision would be better split in two, with 1.2 focused entirely on direct effects, including statements that:

- Tens of thousands of civilians, around half of them children, are killed each year from the bombing and shelling of towns and cities — Yet more civilians, especially children, suffer complex and life-changing injuries and impairments.
- People also experience psychological and psychosocial harms from the terrifying experience of living through bombing. This should describe people’s experiences of living through bombing as per documented reports and instead of the term ‘urban warfare’.
- *(also inserted above)* When harmed by explosive weapons, children are more likely to get killed than adults, they are more likely to suffer long-lasting or permanent physical and psychological injuries, and they are less likely to receive appropriate treatment.
 - A reference could also be included here on the particular vulnerability of and specific impacts on children, and the gendered impacts and differential experiences of men, women, boys and girls.

1.3



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The destruction of housing, schools and cultural heritage sites further aggravates civilian suffering, and the natural environment can also be impacted by the use of explosive weapons with wide area effects, leading to the contamination of air, soil, groundwater, and other resources. Urban warfare can also result in psychological and psychosocial harm to civilians, particularly children.

1.4

Together, these effects often result in the displacement of people within and across borders. When these effects occur they have a negative impact on progress towards the Sustainable Development Goals. Following urban armed conflict, unexploded ordnance can also impede the return of displaced persons and cause casualties, particularly harming children, long after hostilities have ended.

1.7

We recognise the importance of efforts to record civilian casualties, and the use of all practicable measures to ensure appropriate data collection, including, where possible, data disaggregated by sex and age. Where possible and appropriate, this data should be shared and made publicly available. The data on civilian casualties can help inform policies designed to mitigate civilian harm, aid efforts to investigate harm to civilians, support efforts to determine or establish accountability and enhance lessons learnt processes in armed forces.

Support INEW comment: × This section should emphasise the importance of tracking civilian harm which can inform understandings of the impacts and responses – not just mitigation strategies. As such, and as this is language in the preamble, it should not include caveats and qualifiers, and should make principled points, avoiding weak language. It should include: — The importance of tracking civilian harm in military operations. — Collecting data on civilian harm, including data on civilian casualties disaggregated by sex, age and disability, and data on explosive weapons use including locations, types and quantities. — Sharing data and reporting on civilian harm. — Conducting investigations into all credible allegations of civilian harm. This should include strengthening existing mechanisms as the MRM mechanism documenting and verifying killing and maiming of children.

1.8

We welcome the on-going work of the United Nations, the International Committee of the Red Cross (ICRC) and civil society to raise awareness of the impacts and long-term humanitarian consequences that can arise from the use of explosive weapons with wide area effects in populated areas. We also welcome work to empower and amplify the voices of all those affected, including women, girls and boys, and we encourage further research into the potential gendered impacts of the use of explosive weapons with wide area effects. We stress the imperative of addressing the short and long-term humanitarian consequences that can result from the use of explosive weapons with wide area effects arising from the conduct of hostilities, including in urban warfare.

2.3

We recall the obligations on all parties to armed conflict to comply with International Humanitarian Law when conducting hostilities in populated areas, and recall in particular the obligation to distinguish



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between combatants and civilians as well as between military objectives and civilian objects; the prohibitions against indiscriminate and disproportionate attacks and the obligation to take all feasible precautions. We also recall the obligation under International Humanitarian Law to provide civilians with general protection against dangers arising from military operations, and special protection for children as persons who are particularly vulnerable.

2.4

We welcome the work of United Nations Security Council to strengthen the protection of civilians during armed conflict, in particular children, and to strengthen compliance with International Humanitarian Law, and recall to that end UNSC Resolutions on the protection of civilians in armed conflicts, including Resolution 1265 (1999), 1894 (2009) and 2417 (2018) as well as resolutions on children and armed conflict, including Resolution 1261 (1999), 1314 (2000) and 2427 (2018).

3.1

Review, develop, implement, and, where necessary, improve national policy and practice with regard to the protection of civilians during armed conflict in populated areas, including special attention to persons who are particularly vulnerable.

3.3

Support INEW comment (and addition): × This commitment or elsewhere in this section, it should suggest specific assessments that would facilitate and promote a clear understanding and implementation of this commitment including prior assessments and understandings, such as:

- Ensuring prior assessment and understanding of the area effects of weapons
- Ensuring prior assessment and understanding of the specific context of use and specificities of the urban environment
- Ensuring particular attention is paid to the protection of persons who are particularly vulnerable.

4.2

Collect and, where possible and appropriate, share and make publicly available sex and age disaggregated data, on the direct and reverberating effects on civilians of our military operations involving the use of explosive weapons with wide area effects. Including by continuing to support efforts to strengthen the capacity of the Monitoring and Reporting Mechanism for grave violations against children to better understand the impact of these weapons on children (or below under 4.3).

4.3

Support the work of the United Nations, the ICRC and relevant civil society organisations collecting data on the impact on civilians of military operations involving the use of explosive weapons with wide area



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effects, as appropriate, including by continuing to support efforts to strengthen the capacity of the Monitoring and Reporting Mechanism for grave violations against children to better understand the impact of these weapons on children (or above under 4.2)

4.4

Make every effort to assist victims, their families and communities affected by armed conflict in a holistic, integrated and non-discriminatory manner, taking account of the rights of persons with disabilities, and supporting post-conflict stabilisation.

Support INEW comment: × The type and breadth of assistance required, including through humanitarian programming, should be listed to include: — Ensuring that basic needs are met (safety, shelter, food, water, medical care, hygiene, sanitation) — Ensure that protection, and Child Protection in particular, is at the center and integrated in the wider humanitarian response - Longer-term medical care, rehabilitation, psychosocial and psychosocial support, socio-economic inclusion, education Data collection, and risk education aimed at preventing injury to people — Capacity development to respond to blast incidents with life-saving first aid, triaging, evacuating casualties, first responder capacities and searching for casualties.

4.5

Support the work of the United Nations, the ICRC, other qualified international organisations and relevant civil society organisations as appropriate aimed at protecting and assisting civilian populations, in particular children, and addressing the direct and indirect humanitarian impact that can arise from the use of explosive weapons with wide area effects in populated areas.

implementation and universalization of this declaration and identify any relevant additional measures that may need to be taken to strengthen its implementation and the protection of civilians and civilian objects from the use of explosive weapons in populated areas.”

Best,

James

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