



REPÚBLICA DE PANAMÁ
MISIÓN PERMANENTE DE PANAMÁ ANTE LAS NACIONES UNIDAS Y OTROS ORGANISMOS
INTERNACIONALES CON SEDE EN GINEBRA

**Panama's proposals on the revised version of the Draft Political Declaration on EWIPA
(REV 2 – 3 March 2022)**

Title: Draft Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences arising from the use of Explosive Weapons in Populated Areas

Part A: Preamble

Section 1

1.1 As armed conflicts have become more protracted, complex, and urbanised, the risks to civilians have increased. This is a source of major concern and must be addressed. The causes of these risks involve a range of factors, including the use of explosive weapons in populated areas, and pose complex challenges for the protection of civilians.

1.2 The use of explosive weapons in populated areas ~~can have~~ has a devastating impact on civilians and civilian objects ~~in populated areas~~. Blast, ~~debris and~~ fragmentation effects and resulting debris cause deaths and injuries, including lifelong disability, psychological trauma and psychosocial harm, as well as the displacement of people. Beyond these direct effects, civilian populations are exposed to severe and longlasting indirect effects – also referred to as ‘reverberating effects’. Many of these indirect effects stem from damage to or destruction of critical civilian infrastructure. When critical civilian infrastructure, such as health, education, energy, food, water and sanitation systems, are damaged or destroyed the provision of basic needs and 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 and the environment that ~~can~~ extend far beyond a weapon’s impact area. Women, children, persons with disabilities and older persons are particularly vulnerable to both the immediate and the long-term harms.

1.3. The damage and destruction of housing, hospitals and other healthcare facilities, schools, ~~and~~ cultural heritage sites, communications and transport infrastructure further aggravates civilian suffering, and the ~~natural~~ environment ~~can~~ is also ~~be~~ impacted by the use of explosive weapons, leading to the contamination of air, soil, water, and other resources, as well as the loss of biodiversity. ~~The use of explosive weapons in populated areas can also result in psychological and psychosocial harm to civilians. The explosive remnants of war cause casualties during conflict and long after hostilities have ended.~~

1.4 These effects often result in severe consequences for health and livelihoods, and the further contribute to the displacement of people within and across borders, and impede their

Commented [G1]: In addition, Panama supports the following proposals made during the consultations or through written submissions:

- INEW, HRW and WILPF suggestions on paragraphs 1.2, 1.3, 1.5 and 1.7bis.
- OCHA, UNODA, OHCHR, UNEP, UNHCR, UNICEF, UNIDIR and UNMAS suggestions on paragraphs 1.3, 1.4, 1.6 and 1.7, and the addition of new paragraphs (1.6bis) on civilian casualty tracking mechanism and on the joint appeal by the United Nations Secretary-General and the President of the ICRC (1.7bis).
- Either ICRC, INEW or HRW suggestion for a new paragraph (1.4bis) about wide area effects.
- HRW comments on paragraph 1.6 concerning data on the range of civilian impacts and harm to civilian objects, as well as specifics on the operational use of explosive weapons in populated areas, and its suggestions on paragraph 1.7.
- Uruguay and Finland suggestions on paragraph 1.7bis to widen the scope to other differentiated impacts.

Commented [G2]: Reference to psychological harm should be moved in paragraph 1.2.

Commented [G3]: It would be better to split this paragraph as it addresses several issues. Reference to unexploded ordnance could be added at the end of paragraph 1.3 with a different formulation.

~~voluntary, safe, dignified and sustainable return and have a severe impact on progress towards the Sustainable Development Goals. Following the conduct of hostilities, unexploded ordnance impede the return of displaced persons and cause casualties long after hostilities have ended.~~

~~1.4bis The use of explosive weapons in populated areas hinders progress towards recovery and has a severe impact on the achievement of the Sustainable Development Goals and the full enjoyment of human rights.~~

1.5 ~~Many~~Some militaries already implement operational policies and practices designed to avoid, and in any event minimize, civilian and environmental harm, which include a detailed understanding of the anticipated effects of explosive weapons on a military target and its surrounding areas and the associated risk to civilians in populated areas. However, there is scope for practical improvements to strengthen the protection of civilians and achieve the full and universal implementation of, and compliance with, obligations under International Humanitarian Law and International Human Rights Law, and the application and sharing of good practices. Broadening and strengthening initiatives designed to share ~~military~~ policies and practices on protecting civilians can support the promotion and better implementation of International Humanitarian Law.

~~1.6 We recognise the importance of efforts to recording and tracking civilian casualties, and the use of all practicable measures to ensure appropriate data collection, including, where feasible, data disaggregated by sex, gender, and age and disability, as well as data collection on the use of explosive weapons, including types, quantities and location. Where feasible, this data should be shared and made publicly available. Improved transparency and data collection on civilian casualties would help to should~~inform policies designed to avoid, and in any event minimize, civilian harm, aid efforts to investigate harm to civilians, support efforts to determine or establish accountability and enhance lessons learnt processes in armed forces.

1.7 We stress the imperative of addressing the short and long-term humanitarian and environmental consequences resulting from armed conflict involving the use of explosive weapons in populated areas. We welcome the on-going work of the United Nations, the International Committee of the Red Cross (ICRC) and civil society on the impacts and long-term humanitarian and environmental consequences arising from the use of explosive weapons in populated areas.

1.7bis We also welcome work to empower, ~~and~~ amplify and integrate the voices of all those affected, including women and girls, and we encourage further research into the gendered impacts of the use of explosive weapons.

Section 2

2.1 We reaffirm our obligations and commitments under ~~applicable~~ international law, including International Humanitarian Law and International Human Rights Law, including our obligation to conduct effective, prompt, thorough and impartial investigations of possible violations of international law and hold accountable those responsible for these violations, and our commitment to end impunity and provide effective remedies to victims.

2.2 Existing International Humanitarian Law provides the legal framework to regulate the conduct of armed conflict, and is applicable to the use of explosive weapons in all operating environments, and to all parties to an armed conflict, including both State and non-State armed groups. We stress the importance of full compliance with International Humanitarian

Commented [G4]: It is important to recall that target 17.18 of the 2030 Agenda for Sustainable Development refers to data disaggregated by gender. Moreover, UNSC resolution 2475 (2019) recognizes the need for data on and analysis of the impact of armed conflict on persons with disabilities. We are flexible regarding the inclusion of other grounds, such as race and ethnicity, but gender, age and disability should be reflected as a minimum.

Commented [G5]: Also, Panama supports the following proposals made during the consultations or through written submissions:
-WILPF suggestion for a new paragraph on States obligations to respect, protect, and fulfil human rights in armed conflict.
-Friends World Committee for Consultation suggestions to add reference on arms transfers' impacts.

Law as a means to protect civilians and civilian objects and to avoid, and in any event minimize, civilian harm when conducting hostilities, ~~in particular within populated areas~~.

2.3 We recall the obligations on all parties to armed conflict to comply with International Humanitarian Law under all circumstances, including when conducting hostilities in populated areas, and recall in particular the obligation to distinguish between combatants and civilians as well as between civilian objects and military objectives, and to direct operations only against military objectives; the prohibitions against indiscriminate and disproportionate attacks; and the obligation to take all feasible precautions in attack and against the effects of attacks. We also recall the obligation under International Humanitarian Law to provide civilians with general protection against dangers arising from military operations, and to allow and facilitate safe, rapid and unimpeded passage of humanitarian relief for civilians in need.

2.4 We condemn tactics designed to exploit the proximity of civilians or civilian objects to military objectives in populated areas, as well as the use of improvised explosive devices directed against civilian or civilian objects, and other violations of International Humanitarian Law, including by non-State armed groups, which further exacerbate the risks to civilians and are of grave concern.

2.5 We welcome the work of United Nations Security Council to strengthen the protection of civilians during armed conflict and to strengthen compliance with International Humanitarian Law, and recall to that end UNSC Resolutions on the protection of civilians in armed conflicts, Women, Peace and Security, children and armed conflict, and the protection of persons with disabilities in conflict.

Part B: Operative Section

Committed to strengthening the protection of civilians and civilian objects during and after armed conflict, strengthening compliance with ~~applicable~~ International Humanitarian Law, and addressing the humanitarian and environmental consequences arising from armed conflict involving the use of explosive weapons in populated areas, we will:

Section 3

3.1 Review, implement, and, ~~where necessary~~, develop or improve national policy and practice with ~~the aim~~ regard to maximize the protection of civilians and civilian objects during and armed conflict, including from the use of explosive weapons in populated areas.

3.2 Ensure comprehensive training of our armed forces on ~~this Declaration~~ International Humanitarian Law, and on the measures and good practices to be applied during and after the conduct of hostilities in populated areas to protect civilians and civilian objects from the use and impacts of explosive weapons.

~~3.3 Ensure that our armed forces~~ Adopt and implement a range of policies and practices to avoid civilian and environmental harm, including by avoiding restricting or refraining from the use of explosive weapons with wide areas effects in populated areas, when the effects may be expected to extend beyond a military objective, in accordance with International Humanitarian Law.

3.4 ~~Ensure that our armed forces~~ Take steps to mitigate into account the direct and reverberating effects on civilians and civilian objects ~~which can reasonably be foreseen~~ in the planning of military operations and the conduct of hostilities ~~execution of attacks~~ in populated

Commented [G6]: Panama supports the following proposals made during the consultations or through written submissions:
-INEW, HRW and WILPF suggestions on paragraphs 3.3.
-WILPF suggested wording for paragraph 3.4 and the inclusion of environmental remediation in paragraph 3.5.
-INEW suggestion for a new paragraph (3.4bis) on the establishment of capacity to track civilian harm including civilian casualties and damage to civilian objects.

Commented [G7]: This paragraph should be the first one of this section.

areas, ~~and conduct battle damage assessments, to the degree feasible, to identify lessons learned.~~

3.5 Ensure the marking, clearance, and removal or destruction of explosive remnants of war as soon as possible after the end of active hostilities ~~and the provision of risk education in accordance with our obligations under applicable international law.~~

3.5(bis) Maintain the highest possible standards on the exports of conventional weapons and ensure full compliance with the provisions of existing international and regional instruments on the risk assessments and other measures to prevent and address diversion of arms.

3.6 Facilitate the dissemination and understanding of ~~this Declaration~~ International Humanitarian Law and promote its respect and implementation by all parties to armed conflict, including by non-State armed groups.

Section 4

4.1 Strengthen international cooperation and assistance among armed forces, and ~~all interested other relevant~~ stakeholders with respect to exchanges of technical and tactical expertise, and humanitarian and environmental impact assessments, in order to develop good practice to enhance the protection of civilians, particularly with regard to the use of explosive weapons in populated areas.

4.2 Collect and, where feasible and appropriate, share and make publicly available disaggregated data, including by gender, age and disability, on the direct and reverberating effects on civilians and civilian objects of military operations involving the use of explosive weapons in populated areas.

4.3 Facilitate 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 in populated areas, ~~as appropriate.~~

4.4 Provide, facilitate and support assistance to - people ~~critically~~ injured, survivors, families of people killed and/or injured - and communities affected by armed conflict in a holistic, integrated, age and gender-responsive ~~sensitive~~ and non-discriminatory manner, taking account of the rights of persons with disabilities, ~~and supporting post-conflict recovery and durable solutions.~~ Assistance includes the provision of medical care, physical rehabilitation, psychological support, social and economic inclusion, as well as support towards the full enjoyment of their rights and full, equal and meaningful participation in the societies.

4.4bis Provide and facilitate safe, rapid and unimpeded access for humanitarian relief to all persons in need.

4.5 Facilitate the work of the United Nations, the ICRC, other ~~relevant~~ international organisations and civil society organisations aimed at protecting and assisting civilian populations and addressing the direct and indirect humanitarian and environmental impacts arising from the use of explosive weapons in populated areas, ~~as appropriate.~~

4.6 Meet ~~on a regular basis~~ biannually with the United Nations, the ICRC and other international organizations, civil society organizations and other interested stakeholders, including non-signatory States, to review the implementation and universalization of this Declaration and identify any relevant additional measures that may need to be taken to ~~improve compliance with International Humanitarian Law and~~ strengthen the protection of civilians and civilian objects with regard to armed conflict involving the use of explosive weapons in populated areas. ~~As a starting point, a group of interested States, with the participation of the United Nations, the ICRC, other qualified relevant international organisations and civil society organisations, could develop a compilation of good practice,~~

Commented [G8]: Panama supports the following proposals made during the consultations or through written submissions:
-ICRC suggestion on paragraph 4.1.
-INEW suggestion on a new paragraph (4.2bis) related to data on the use of explosive weapons, including types, locations and quantities used.
-Proposals made by the Conflict and Environment Observatory (CEOBS) to include "environment" in paragraphs 4.1, 4.2, 4.3, 4.5 and 4.6.

Commented [G9]: Our comments on paragraph 1.6 apply here as well.

~~which could form the basis for structured military to military and other exchanges, workshops, and seminars.~~

4.7 Actively promote this Declaration, distribute it to all ~~relevant~~ stakeholders and seek its adoption and effective implementation by the greatest possible number of States.

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