

EXPLOSIVE WEAPONS IN POPULATED AREAS

Regional Workshop Report

Lomé, Togo

30-31 January 2024



**United Nations Office
for Disarmament Affairs**



**An Roinn Gnóthaí
Eachtracha agus Trádála
Department of
Foreign Affairs and Trade**

REPORT

Regional Workshop on Strengthening the Protection of Civilians from the Humanitarian Consequences of the Use of Explosive Weapons in Populated Areas

This report was prepared by the United Nation Office for Disarmament Affairs (UNODA). It does not constitute an official document of the United Nations and has not been formally edited.

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E W I P A @ U N . O R G

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1. WORKSHOP BACKGROUND

The regional workshop on strengthening the protection of civilians from the humanitarian consequences of the use of explosive weapons in populated areas took place in Lomé, Togo from 30 to 31 January 2024 and was organized by the United Nations Office for Disarmament Affairs (UNODA) with the financial support of the Ireland Department of Foreign Affairs Stability Fund.

The workshop brought together representatives from 15 African States (Burkina Faso, Chad, Democratic Republic of the Congo, Cote D'Ivoire, the Gambia, Ghana, Guinea, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone, South Africa, Togo) as well as 10 civil society and international organizations (see Annex I). It served as a platform for fostering collaboration and knowledge sharing among participating States and entities with a view to building the normative and practical knowledge for national, regional and global implementation of the Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated Areas (hereinafter the Declaration).

AIMS

- Strengthen the participation of African States in the process on the Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences arising from the use of Explosive Weapons in Populated Areas (EWIPA) to ensure relevant perspectives are reflected.
- Build the capacity of relevant government experts of States in Western Africa to effectively implement the Political Declaration.
- Raise awareness on the Political Declaration and promote its universalization in Africa and in the region.
- Promote exchanges of good practices through the participation of both signatory and non-signatory States and exchange information, expertise and knowledge.
- Review progress on the Political Declaration within the region and provide concrete inputs to the first international follow up meeting, scheduled to take place in Oslo in April 2024.



PARTICIPATING STATES

Burkina Faso, Chad, Democratic Republic of the Congo, Cote D'Ivoire, the Gambia, Ghana, Guinea, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone, South Africa, Togo

2. WORKSHOP SUMMARY

The Declaration holds the potential to significantly strengthen the protection of civilians from the use of explosive weapons in populated areas (EWIPA). However, for the Declaration to take full effect, action in the form of concrete, immediate steps to universalize, operationalize and implement the Declaration must be taken.

The workshop therefore provided a key opportunity to build and strengthen the normative and practical capacity at the national and regional level related to the contents of the Declaration through exchanges on:

- Changes to military policy and practice.
- Military to Military Exchanges.
- Direct and indirect effects of explosive weapons.
- Humanitarian consequences and key commitments to assist affected communities.
- Data Collection
- Sustainable Development Goals (SDGs)
- The Involvement of African States.

During the exchanges on the above topics, participating States and panellists identified a number of key issues and takeaways, which are captured below.



2.1 IMPLEMENTATION: PRACTICAL CONCERNS

Both endorsing and non-endorsing States raised a number of practical concerns regarding the implementation of the Declaration at the national level, noting that these may impede both its operationalization, or prevent States from endorsing the Declaration, over concerns they might be unable to comply with the provisions. The translation of the concrete commitments contained in the Declaration into operational and tactical guidance, and measures at the national level to achieve this, was one of the main practical concerns identified, driven in part by the lack of clarity on how the Declaration relates to the provisions of existing international humanitarian law (IHL) and uncertainty on whether or how implementation measures of the Declaration may require a State to go beyond the application of existing IHL.

Another concern raised included difficulties in identifying the right national focal point. Due to the cross-cutting nature of the issues in the Declaration, which links legal, humanitarian, military and policy aspects, States

expressed challenges in understanding within which branch of government the national focal point should be situated, leading to the role often times not being filled, or the topics covered being decentralised.

In addition, States raised concerns about the feasibility of ensuring consistency of implementation in light of joint military operations. They noted that such operations, which will continue to play a central role across the African continent, bring together forces from endorsing and non-endorsing States, who may have varying understandings of the required actions by their national forces, and are likely to have differing national levels of implementation of the Declaration.

Further to this, concern over the proximity between military infrastructure and legitimate military targets, including, military bases, training centres and military depots, and civilian areas, was raised. This was particularly underlined due to the rapid urban expansion globally that is envisaged to occur over the next three decades - in particular in Africa and Asia.

Takeaways



To facilitate endorsement by non-signatories and implementation by all States of the Declaration, national gaps assessments and domestication are needed.



Cooperation at the regional and sub-regional level is an essential tool to encourage the translation of the commitments into concrete national measures and encourage cross-regional approaches.

Recommended steps



Identification of a national point of contact, who should be in a position to work with, and facilitate the dialogue between, the Ministry of Foreign Affairs, Ministry of Defence, armed forces, as well as relevant humanitarian and legal actors.



National legal reviews and compatibility studies which can be carried out to assess whether national legislation is in line with the Declaration or if new laws must be enacted.



Stock taking of existing policies and practices, manuals, trainings and other relevant materials and assessments on whether those are compliant with IHL provisions, and the commitments contained in the Declaration.



Exchanges of good practices amongst States in the region.

The work under point ii and iii can be supported by international organizations (including the United Nations and the ICRC) and non-governmental organizations.

2.2 IMPLEMENTATION: POLITICAL AND POLICY CONCERNS

Beyond practical concerns, non-signatory States raised a number of political and policy concerns linked to their willingness to endorse the Declaration.

One of the main concerns raised was on the efficiency of a political declaration, i.e., vis-à-vis a legally binding instrument. This was particularly questioned against the backdrop of the perceived increasing non-compliance with existing IHL globally. In this regard it was noted that even though all parties to armed conflict, whether States or non-State armed groups,

are bound by IHL, consistent breaches or disregard of its provisions can be observed without repercussions, painting a global image of impunity. To ensure universal adherence to the Declaration and observance of its commitments, several States called for rendering it legally binding and to establish an accountability mechanism to ensure and measure State compliance.

Further to this, States stressed the need to address root causes of conflict to effectively ensure the protection of civilians from armed conflict through preventative approaches.

Takeaways



The Declaration does not aim to create new law or reinterpret existing IHL, instead aiming to facilitate respect for IHL and to strengthen the protection of civilians through policy commitments and practical measures, while underlining the importance of international cooperation through multilateral exchanges.



The Declaration provides an essential framework to engage with arms manufacturing and selling States on their practices prior to situations of armed conflict and provides a space to hold those manufacturing States which have endorsed the Declaration accountable.



Meetings and official conferences of the Declaration furthermore provide an opportunity to exchange on various matters of interest to the region, including collection plans for explosive remnants of war, international support and cooperation and ensuring coordinated action with organizations working on the ground.

Recommended steps

- I** African States should continuously raise their regional perspectives and concerns at the multilateral level, in particular during international conferences of the Declaration, which are an opportunity to review the implementation of the Declaration and identify any relevant additional measures that may be needed (as captured in paragraph 4.7 of the Declaration).



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2.3 DISARMAMENT AND ARMS CONTROL INSTRUMENTS

The relation between the Declaration and other international disarmament and arms control instruments, in particular the Arms Trade Treaty (ATT) was stressed as a central matter of significance. Noting that African States are not arms selling or exporting States, the importance of including the arms industry as well as major arms producing and selling States in the

conversation on EWIPA was particularly highlighted. On this point States requested to further bridge conversations between the Declaration and the ATT during formal exchanges to ensure complementarity of efforts, and to ensure that explosive weapons with the potential to be used in populated areas are included in import/export provisions.

Takeaways

- I** Explosive weapons, which could be used in populated areas and can have wide-area effects, fall into several categories covered by the ATT (i.e. missiles and large-calibre artillery systems) and would therefore be subject to the ATT's regulations.



The ATT does not include a specific provision that exclusively addresses the transfer of weapons to be used as explosive weapons in populated areas. Instead, it establishes general criteria that all State Parties must consider before authorizing any arms transfer. These criteria include assessing whether the arms would contribute to or undermine peace and security; be used to commit or facilitate serious violations of international humanitarian law or human rights law; or be used for acts of terrorism or transnational organized crime.



Under the ATT, a State Party is prohibited from transferring weapons “if it has knowledge at the time of authorization that arms or items would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which they are a Party.” While not explicitly mentioning populated areas, this assessment implicitly requires States to consider the potential impact on civilians and civilian infrastructure, which aligns with the concerns raised by the use of explosive weapons in populated areas.

Recommended steps



Raise the interconnected nature of the issue both within the ATT as well as the meeting of the Declaration.



Include specific provisions on the EWIPA Declaration in national arms export/import provisions and encourage other States to do so as well.



Utilize the ATT and the Declaration and their related processes to put pressure on manufacturing and supplying States to ensure due diligence is carried out and to call out States for acts that may be contrary to the commitments contained in these instruments.

2.4 CONFLICT DYNAMICS

One of the main concerns raised by participating States throughout the workshop was on asymmetric warfare and the application of the Declaration to non-State armed groups (NSAG). The majority of participating States stressed that NSAG pose a severe and continuous problem for their countries and the region as a whole and should be regarded as the main perpetrators of explosive violence within Africa. In this regard, States noted that further clarity on State responsibility is needed in situations where conflict takes place between States and non-

State actors including where NSAG purposefully place bases within civilian spaces or in their operations act contrary to IHL obligations. In addition, the majority of participating Western African States raised particular concern about porous borders in the region, which they see as posing significant transnational security challenges as they facilitate the movement of weapon components, expertise and finance by NSAG and the establishment of improvised explosive device (IED) networks spanning across the entire region.

Takeaways

- I** States and non-State armed groups are bound by the rules of IHL, which i.a. prohibits direct attacks on civilians and civilian objects, indiscriminate and disproportionate attacks, and requires parties to conflict to take all feasible precautions in attack.



The Declaration includes specific references to non-State armed groups, (captured in paragraphs 2.2, 2.4, 3.6 and 4.8) i.a. recognizing that existing IHL is applicable to the use of explosive weapons in all situations of armed conflict, and to all parties to an armed conflict.



While non-State armed groups cannot endorse the Declaration, endorsing States have the commitment to promote respect for and implementation of IHL by all parties to armed conflict, including by non-State armed groups, and to seek adherence to the Declaration's commitments by all parties to armed conflict, including non-state armed groups.



The United Nations plays an essential technical and norm-forming role in supporting States to secure their borders to avoid the transfer of arms and explosive matters.

Recommended steps



Integrating implementation of the Declaration into the agenda of national IHL committees to facilitate inter-agency coordination and ensure adherence to commitments, including in dialogues with non-state armed groups.



Endorsing the Declaration and using it as a tool to promote respect for IHL obligations and the commitments contained in the Declaration.

2.5 DATA COLLECTION

Several States shared information on their national data collection efforts, in line with the Declaration's commitment to "collect, share, and make publicly available disaggregated data on the direct and indirect effects" (as captured in paragraph 4.6 of the Declaration).

Good Practices

- I** Collaborative work between national committees, national commissions, national observatory on arms violence, and law enforcement to collect data on incidents and victims of explosive weapon use, including data on age, gender and information on the types of weapons.
- II** Work with international partners and relevant organizations to demolish heavy explosives at controlled demolition sites.
- III** Data collection on explosive remnants of war which are recorded in the national arms databases.
- IV** Periodic reviews to assess general incident frequency trajectory.
- V** Work with regional early warning response centres, which collect data on explosive violence.
- VI** Regular information exchange between neighbouring States.

Lessons learned



Importance of working in collaboration with the military and national police, Ministry of Foreign Affairs and the Ministry of Health, local hospitals, civil society, and traditional communities for comprehensive data collection.



Further collaborative work with international organizations and non-governmental organizations is crucial to further understanding on the type of data that is needed as well as data collection procedures.

Limitations



Current efforts are mainly limited to the collection of data on the uses of small arms and light weapons (SALW) as well as explosive remnants of war (ERW).



No, or only limited, mechanisms are established within armed forces.



Data collection efforts are often led by civil society and not by the State or its institutions.

3. RECOMMENDATIONS

Affirming the importance of protecting civilians from the humanitarian consequences of the use of EWIPA and the need for renewed action to address the trend of increasing levels of civilian harm within armed conflict, the following overall recommendations were identified*:

- I The importance of collaborating with governmental and non-governmental entities to raise awareness about the Political Declaration within in Africa and encourage its **universalization**;
- II The need to promote collaboration among States in Africa to **exchange best practices**, information, expertise and knowledge on strengthening the protection of civilians from the humanitarian consequences of the use of EWIPA;
- III The need to further build national expertise on the issue to facilitate meaningful **implementation** of the Declaration, including through regional workshops, exchanges with international and non-governmental organizations and engagement in multilateral fora.

**These recommendations have been identified by UNODA and have been discussed during the course of the workshop. They do not constitute an official endorsement by the participating States.*

IV The importance of the involvement and issuance of **strategic directives by regional and subregional organizations**, in particular the African Union.

V The importance for African States to provide concrete inputs to, and participate in the follow-up conferences of the Political Declaration.

END

ANNEX 1 - PARTICIPANTS

Nº	STATE	PD*	OTHER PACTICIPANTS / SPEAKERS
1	Burkina Faso		Austria
2	Chad		Article 36 + International Network on Explosive Weapons (INEW)
3	Democratic Republic of the Congo		Centre de perfectionnement aux actions post-confliktuelles de déminage et de dépollution (CPADD)
4	Cote D'Ivoire		CIVIC
5	Gambia, the		Disarmament and Arms Control (DAC) NGO
6	Ghana		Foundation for Security and Development in Africa (FOSDA)
7	Guines		Humanity and Inclusion (HI)
8	Mali		IANSAs Women's Network
9	Mauritania		International Committee of the Red Cross (ICRC)
10	Niger		Ireland
11	Nigeria		United Nations Office for the Coordination of Humanitarian Affairs (OCHA)
12	Senegal		United Nations Office for Disarmament Affairs (UNODA)
13	Sierra Leone		
14	South Africa		
15	Togo		

*Endorsement status of the Political Declaration

ANNEX 2 - PROGRAMME



An Roinn Gnóthaí
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United Nations Office
for Disarmament Affairs

Regional Workshop on Strengthening the Protection of Civilians from the Humanitarian Consequences of the Use of Explosive Weapons in Populated Areas

Lomé, Togo

30 – 31 January 2024

The regional workshop follows the adoption of the Political Declaration on the Humanitarian Consequences of the Use of Explosive Weapons in Populated Areas, which was endorsed by 83 States in Dublin, Ireland in 2022. The workshop will serve as a platform for fostering collaboration and knowledge sharing among participating States and entities with a view to build the normative and practical knowledge for national, regional and global implementation of the Declaration.

AIMS:

- Strengthen the participation of African States in the process on the Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences arising from the use of Explosive Weapons in Populated Areas (EWIPA) to ensure relevant perspectives are reflected.
- Build the capacity of relevant government experts of States in Western Africa to effectively implement the Political Declaration.
- Raise awareness on the Political Declaration and promote its universalization in Africa and in the region.
- Promote exchanges of good practice through the participation of both signatory and non-signatory States and exchange information, expertise and knowledge.
- Review progress on the Political Declaration within the region and provide concrete inputs to the first international follow up meeting, scheduled to take place in Oslo in April 2024.



DAY 1

Tuesday, 30 January 2024

9:00-9:10	Registration
9:10-9:30	Opening remarks <ul style="list-style-type: none">• Mr. Anselme N. Yabouri, Director, Regional Centre for Peace and Disarmament in Africa (UNREC)• Caoimhe Udom, Deputy Director, Disarmament & Non-Proliferation Unit, Department of Foreign Affairs of Ireland• Representative of the Government of Togo
9:30-9:40	Group photo
9:40-9:50	Remarks by the High Representative for Disarmament Affairs (<i>Video</i>)
09:50-10:10	Discussion starter
10:10-10:30	Coffee break
10:30-11:30	The Political Declaration on EWIPA <i>Introduction, background and overview of the negotiation, key commitments and current status. How and why to join, what national infrastructure/capacity would be involved?</i> Speakers: <ul style="list-style-type: none">• Caoimhe Udom, Deputy Director, Disarmament & Non-Proliferation Unit, Department of Foreign Affairs of Ireland• Juliana Helou van der Berg, Political Affairs Offices, United Nations Office for Disarmament Affairs (UNODA)
11:30-13:00	Key commitments on changes to military policy and practice. <i>What are the key commitments in the Declaration that require changes to military policy and practice and how can they be operationalized? This includes restricting and refraining from the use of EWIPA to avoid civilian harm and protecting civilians from the direct and indirect effects in the conduct and planning of military operations.</i> Speakers: <ul style="list-style-type: none">• Laura Boillot, Director of Article 36 and Coordinator of the International Network on Explosive Weapons (INEW)• Fahad Ahmed, Legal Advisor, Advisory Service on International Humanitarian Law, International Committee of the Red Cross (ICRC)



13:00-14:30	Lunch
14:30 – 15:15	<p>Effects of explosive weapons in the urban environment <i>What are explosive weapons and what effects do they have? Why are they of particular concern when used in an urban environment?</i></p> <p>Speaker:</p> <ul style="list-style-type: none">• Ahou Pelagie Manzan Dekou, Legal Advisor, Abidjan International Committee of the Red Cross (ICRC)
15:15-16:00	<p>Key commitments to assist affected communities <i>What are the key commitments in the Declaration related to victim assistance, humanitarian access, clearance and risk education?</i></p> <p>Speakers:</p> <ul style="list-style-type: none">• Emmanuel Sauvage, West Africa Program Director, Humanity & Inclusion / Handicap International
16:00-16:20	Coffee break
16:20-17:30	<p>The Involvement of African States in the Protection of Civilians from Harm Caused by Explosive Weapons in Populated Areas <i>Experiences, main takeaways and relevance of the Political Declaration.</i></p> <p>Speakers:</p> <ul style="list-style-type: none">• Joseph Dube, Director of Arms Control and Disarmament NGO• Lieutenant-Colonel Djimon Sahgui, Director, Centre de perfectionnement aux actions post-confliktuelles de déminage et de dépollution (CPADD)
17:30	Closing day 1



DAY 2

Wednesday, 31 January 2024

9:00-10:00	<p>Humanitarian Consequences and Reverberating Effects</p> <p><i>What are the direct and indirect/reverberating effects and how do civilians experience this in the short and long-term? What are some examples of use and impact in the region?</i></p> <p>Speakers:</p> <ul style="list-style-type: none">• Dina Abou Sama, Protection Advisor, Policy Advice and Planning Section, Operations and Advocacy Division Office for the Coordination of Humanitarian Affairs (OCHA) (<i>virtual</i>)• Baptiste Chapuis, Senior Advocacy Adviser - Disarmament, Crisis and Conflict, Humanity & Inclusion / Handicap International
10:00-10:40	<p>Data Collection</p> <p><i>How can the commitments on collecting and sharing data help to better understand and respond to harms?</i></p> <p>Speakers:</p> <ul style="list-style-type: none">• Laura Boillot, Director of Article 36 and Coordinator of the International Network on Explosive Weapons (INEW)
10:40-11:00	<p>Coffee break</p>
11:00-12:00	<p>The Political Declaration on EWIPA and the Sustainable Development Goals (SDGs) + broader implications</p> <p><i>The 2030 Agenda and in particular the Sustainable Development Goal 2 (zero hunger), Goal 3 (good health and well-being), Goal 4 (quality education), Goal 5 (gender equality), Goal 6 (clean water and sanitation), Goal 8 (decent work and economic growth), Goal 10 (reduced inequalities), Goal 11 (sustainable cities and communities) and Goal 16 (Peace, justice and strong institutions).</i></p> <p>Speakers:</p> <ul style="list-style-type: none">• Olivia Flasch, Legal Consultant, UNODA• Clea Strydom, Project Director, CILPA
12:00-13:00	<p>Military to Military Exchanges: Main Takeaways and Recommendations</p> <p>Speakers:</p> <ul style="list-style-type: none">• Lioba Bammer, Attaché (Disarmament), Permanent Mission of Austria to the United Nations and Special Organisations in Geneva (<i>virtual</i>)• Fahad Ahmed, Legal Advisor, Advisory Service on International Humanitarian Law, ICRC
13:00-14:30	<p>Lunch break</p>



14:30-16:30	<p>Next steps and the way forward</p> <p><i>Information on possibilities for engagement and on adapting African countries' policies and practices to reduce civilian harm from the use of Explosive Weapons in Populated Areas.</i></p> <p>Speakers:</p> <ul style="list-style-type: none">• Joseph Dube Director of Arms Control and Disarmament NGO• Adebayo Kareem, African Union Commission (<i>virtual</i>)• Michael Mantogbada, Sahel and Coastal Country Team Leader, CIVIC
16:30 – 16:50	Coffee break
16:50-17:20	<p>Practical information</p> <p><i>Information on signing the Political Declaration and the first international follow-up meeting of the Political Declaration in Oslo</i></p> <p>Speakers:</p> <ul style="list-style-type: none">• Juliana Helou van der Berg, Political Affairs Officer, UNODA• Caoimhe Udom, Deputy Director, Disarmament & Non-Proliferation Unit, Department of Foreign Affairs of Ireland
17:20-17:30	Closing