



Vienna Military Workshop on the Implementation of the EWIPA Political Declaration

24-25 January 2024, Vienna

Workshop Report

Concept, objective and structure of the Workshop

1. The Austrian Federal Ministry for European and International Affairs and the Austrian Federal Ministry of Defence jointly organised the “Vienna Military Workshop on the Implementation of the EWIPA Political Declaration” on 24/25 January 2024 at the Austrian National Defence Academy in Vienna.
2. The Workshop brought together over 90 experts from 41 Endorsing States of *the Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences arising from the use of Explosive Weapons in Populated Areas (EWIPA)*, one observer State, UN entities, the ICRC, the African Union, the Norwegian and the Austrian National Red Cross Societies as well as academic, humanitarian and other civil society experts, including a survivor representative. From the military side, experts were represented predominantly from the strategic and operational level of Ministries of Defence or Armed Forces with particular knowledge in areas important for the effective implementation of the Declaration.
3. Participation in the Workshop reflected the multi-stakeholder approach that has been successfully driving the EWIPA process so far and that remains key for its universalization and implementation, including by integrating survivors and their representative organisations into all aspects of the work under the Declaration.
4. The Co-Chair’s Workshop Report was produced by the Austrian Federal Ministry for European and International Affairs and the Austrian Federal Ministry of Defence in their capacity as Co-Chairs of the Workshop. The Workshop was conducted under Chatham House Rules.
5. During the High-level Opening Session, statements were held by the Deputy Commander of the Austrian National Defence Academy, Brigadier General Jürgen Wörgötter, the Secretary General of the Austrian Federal Ministry for European and International

Affairs, Ambassador Nikolaus Marschik, the Chief of Defence Staff of the Austrian Armed Forces, General Rudolf Striedinger, and Ms. Marwa Almbaed, survivor and self-advocate.

6. The High-level Opening Session was followed by a setting the scene panel in order to introduce and contextualize the Political Declaration, followed by three thematic panels on 1) Scenarios and Concepts, 2) Military Understanding, Approaches and Capabilities, and 3) Military Operations. The panels were followed by two rounds of breakout sessions dedicated to the subjects of the three thematic panels as well as a table top exercise for all participants organised by the NGO Article 36 in cooperation with the ICRC.
7. The aim of the Workshop was to foster discussions on ways and means to translate the Declaration into concrete ideas, policies and measures for implementation by the military. Its objectives were first to raise awareness of the Declaration among military personnel, second to harness expertise for future measures, third to provide a platform for exchange among all relevant stakeholders that need to work together for an effective implementation of the Declaration, fourth to discuss what militaries need as direction, guidance, and support from the political level concerning the reduction of civilian harm, and fifth to exchange lessons learned and best practices in this respect.
8. The workshop discussed what policies and practices already exist in the military to protect civilians including from the harm arising from the use of EWIPA, as well as what additional information, measures, and actions will be required to translate the provisions of the Declaration into military concepts, capabilities, planning, and conduct.
9. The Co-Chairs collected the following main takeaways from the thematic panels and discussions during the interactive sessions of the workshop in their own capacity, without prejudice to the positions of participants:

On the role of the military in implementing the Political Declaration on EWIPA:

- The Declaration constitutes a landmark international instrument that aims at avoiding and reducing civilian harm resulting from the use of EWIPA. In order to achieve this goal, it sets out a series of general and specific provisions, which States have politically committed to implement. Many of these provisions fall under the responsibility of the military.
- Key provisions regard the review, developing or improving of national policy and practice with regard to the protection of civilians during armed conflict involving the use of explosive weapons in populated areas (Political Declaration 3.1), ensuring comprehensive training of armed forces on the application of IHL and on the policies and practices to be applied during the conduct of hostilities in populated areas to protect civilians and civilian objects (3.2), ensuring that armed forces adopt and implement a range of policies and practices to help avoid civilian harm, including by restricting and refraining as appropriate from the use of explosive weapons in populated areas, when their use may be expected to cause harm to civilians or civilian objects (3.3.), and ensuring that armed forces take into account the direct and indirect

effects on civilians and civilian objects which can reasonably be foreseen in the planning of military operations and the execution of attacks in populated areas, and conduct damage assessments, to the degree feasible, and identify lessons learned (3.4). The military is also in charge of implementing their commitments regarding the marking, clearance and removal or destruction of explosive remnants of war in accordance with 3.5 of the Declaration.

- The Military also has requirements regarding dissemination of IHL and promotion for its respect (3.6), international cooperation and assistance (4.1), data collection (4.2), facilitation of rapid, safe and unhindered humanitarian access (4.4), and victim assistance (e.g. ensuring transport to first aid) (4.5), here they often share competences with other government authorities.
- Some militaries have already adopted a wide range of policies and practices to avoid, mitigate and respond to civilian harm, frequently as a result of implementing International Humanitarian Law and the Protection of Civilians agenda. Linkages and synergies between these efforts and the implementation of the Political Declaration on EWIPA should be strengthened, for example by reflecting on what specific challenges urban warfare and the use of EWIPA pose in this respect.
- In certain contexts, there is a strong need to think beyond the “baseline law” (International Humanitarian Law): implementation of the Declaration by the military may also mean going beyond existing legal obligations in order to avoid civilian harm.
- To date, the EWIPA process has largely been driven at the diplomatic level, involving mainly Ministries for Foreign Affairs. In order to implement the Declaration effectively, it is urgently needed to further engage Ministries of Defence and Armed Forces. Awareness raising, outreach, and cooperative approaches are relevant for national implementation efforts.

1) On scenarios and concepts:

- Political decision-makers must be aware that the deployment of armed forces in armed conflict will always take a heavy toll on civilians, despite all precautionary measures. This fact must be taken into account in political processes regarding the deployment of armed forces and the political responsibility for this must be recognised. Preventing conflict at all costs must be the first step in every effort to protect civilians.
- Avoiding civilian harm in accordance with the Declaration should be seen as a legal, ethical, and strategic priority. A change of mindset may be needed to prioritise this objective and integrate it into policy, doctrine, training, mission planning and conduct as well as commander’s intentions. Civilian and military guidance is needed to follow these commitments from the strategic down to the tactical level.
- Public opinion matters, both at home and in the area of operations. It can amount to a strategic factor that determines success or failure of military engagement.

- Changing mind-sets takes time, especially in large organizations. Military leadership plays a key role to facilitate this process and ensure that all command echelons are educated effectively regarding the implementation of the Declaration.
- Due to a variety of reasons, among them demographic, economic, and technological factors, cities and towns are becoming more and more important globally. The prevalence of armed conflict in densely populated areas is therefore increasing. Against this background, militaries are required to enhance their understanding of urban warfare and the specific challenges involved.
- A thorough knowledge of the “urban fabric” (characterised by the high presence of civilians, the interconnectedness of services, and the multi-layered environment) and the impact of military operations upon it (e.g. direct and reverberating effects of the use of EWIPA) is a prerequisite for elaborating sound concepts that take into account the protection of civilians in accordance with the requirements set by the Declaration. This provides the theoretical underpinning for military strategy and doctrines as well as the development and conduct of armed forces.
- Differences in the type of military conflicts need to be taken into account. While non-international conflicts and asymmetric threats have been dominant over the last years, large scale, high-intensity combat operations in conventional conflicts between states are currently on the rise in some regions. The latter require much more additional strategic thinking as to how the protection of civilians can be guaranteed.
- Different conceptual understandings among militaries of what civilian harm encompasses were discussed, some broader and others more limited, with implications for policies and practice. The Declaration provides guidance on the concept of civilian harm and its different elements, including both direct and reverberating effects (Political Declaration Section 1; 1.3; 1.4; 1.5; 1.6).
- EWIPA fits into the broader Protection of Civilians agenda and the respective implementation efforts of states. However, the specific provisions of the Declaration need to be taken into account. Concepts that have been developed under the Protection of Civilians agenda, for example the term “understanding the human environment”, and the ensuing practices can be put into good use for the implementation of the Declaration. A concrete first step would be for states to review already existing policies and practices on protecting civilians with a view to fully integrate EWIPA and identify possible gaps or needs for adjustments or changes in this regard.
- When developing scenarios, policies, doctrines and concepts as well as deploying in an military operation, special emphasis should be placed on establishing civilian-military relations (e.g. other governmental bodies, commercial actors, critical infrastructure providers, humanitarian actors, civil society, and academia) from the early stages of a military operation onwards. Cooperation in this regard can take different forms at different phases of the military planning and conduct process, ranging from peacetime preparedness to the coordination of different actors on the battlefield. The benefits of those relations for the protection of civilians should be acknowledged.

- States should establish a strong accountability framework, including investigations, sanctions, and compensation. All sources including social media should be used to improve accountability on the use of EWIPA.
- Sharing good practices regarding the dealing with EWIPA with partner and proxy forces is a way to strengthen the implementation of the Declaration.
- Transparency vis-à-vis the public and political authorities on measures to protect civilians during military operations is essential for creating dialogue and commitment.
- There may be a need to stronger integrate civilian harm mitigation considerations and risk assessments in arms transfer by states.
- To facilitate the implementation of the Declaration, it is necessary to transform concepts and strategic documents into concrete approaches at operational and tactical level. Sometimes military personnel perceive a gap between high-level policy discussions and practical realities. Possible gaps must be bridged, because the success of implementing the Declaration depends on concrete changes on the ground that contribute to protecting civilians from the use of EWIPA.

2) On military understandings, approaches and capabilities:

- Discussions underscored the evolution of military capabilities to avoid or mitigate civilian harm in line with the Declaration's objectives, highlighting the imperative for armed forces to adapt to a new paradigm of the conduct of armed conflict that emphasises civilian protection. This change may have far-reaching consequences for the structure and tactics, techniques, and procedures (TTP) of different military branches (ISR, infantry, artillery, air support). One example in the field of military capabilities is the need of the artillery to focus more on precision and confined weapons effects and avoid effecting wide areas when conducting operations in populated areas.
- Military personnel authorizing decisions on the use of force must have an adequate understanding of the technical characteristics of explosive weapons and the effects they cause in a given operational environment including its potential direct and reverberating effects on civilians and/or civilian objects.
- One way to enhance this understanding of military capabilities can be a more structured and focused application of the Article 36 review (legally required review of new means and methods of warfare regarding application of law and humanitarian concerns). Another way is the use of different analytical tools for accurate impact assessment.
- Generally, weapons are integrated into larger networks (e.g. observers/sensors, fire control systems, firing element and communication). Changing one part without changing others may not always lead to the desired effects: For example, improving the precision of explosive munition without enhancing the necessary ISR-capabilities may result in precisely hitting the wrong target. This interconnectedness should be kept in mind when developing armed forces, especially in the case of indirect fire, which engages targets without a direct line of sight.

- Adequate ISR-capabilities form the basis for a holistic situational awareness as well as effective intelligence-targeting circles. Technological developments and the resulting systems offer opportunities in this respect. Drones and satellites provide additional sensors and therefore more information for enhanced decision making. Additionally, to counter the flood of ensuing information and a cognitive overload of commanders and operators, new technologies like AI can assist the processing of data. However, the evolution of military capabilities also shows the need for armed forces to adapt to new paradigms of warfare, always in consideration of civilian protection.
- Precision guided ammunitions can contribute to reducing civilian harm when conducting military operations in populated areas. Some of them do not even require explosives to achieve their weapon effects. However, precision guided ammunitions also have limitations and need to be evaluated both with regard to their benefits and their ability to mitigate civilian harm.
- A focus on adequate training is key for translating policy level decisions into effective practices. There is a need for multi-dimensional trainings, combining weapons use, understanding of their direct and reverberating effects, IHL/Rules of Engagements (ROE) training elements, and good practice to follow. This could be facilitated by establishing dedicated Centres of Excellence (COE) that can function as a hub for capacity building and the exchange of good practices. Already existing COEs might consider focusing more on the specific challenges of using EWIPA.
- Civilian presence, built-up structures and the interconnectedness of services are constitutive elements of the “urban fabric”. In order to ensure realistic preparation for military operations in an urban environment, care should be taken when planning training scenarios to reflect these complexities as closely as possible. This also includes the adequate response to regional circumstances, such as different urban design structures.

3) On military operations:

- The “trilemma” between mission accomplishment, force protection, and protection of civilians (operational triad) can be particularly acute at the operational and tactical levels. There may be a trade-off between short term tactical gains and long-term strategic objectives, which should be kept in mind. However, examples of the past show that there are situations in which civilian harm, direct or reverberating, is avoidable, often at minimum tactical cost. One example in this regard is the carefully considered selection of weapons that achieve the same military results as others but without endangering civilians or civilian objects.
- One cannot overestimate the value of the Commander’s intent, which is formulated in the context of political and military strategic level guidance. It clearly makes a difference if the intent is unambiguous in its instructions and presented in a way that every soldier understands e.g. the need to ensure the protection of civilians in all aspects. A good practice that proved successful in the past was the translation of commander’s directive into an aide memoire distributed to soldiers that explains in understandable terms what may or may not be done. Unclear commands or

commands, which are not executable regarding the protection of civilians or civilian objects, are to be referred back to the Commander.

- Adversary tactics that use urban terrain and hide amongst civilians or put civilians at risk are one of the greatest challenges for military planners. Sharing of experiences and good practices.
- Militaries in different parts of the world encounter different operational challenges. Some of them concern armed conflicts taking place not in cities but smaller villages. Militaries in Africa often face pressure from local communities to engage non-state armed groups who are a threat to them. Awareness of the consequences of using explosive weapons and alternatives are important.
- An adequate level of information about the civilian environment is a decisive factor for protecting civilians from the consequences of urban warfare and the harm caused by EWIPA. It forms the basis for developing different courses of action and making targeting decisions.
- The better the preparation for a mission in the planning process – including a wide range of considerations – the better concrete measures to avoid civilian harm can be. However, the complexity of the urban terrain and the ever-changing operational context make it particularly challenging to keep information relevant. There are different ways to mitigate this problem:
 - Civilian harm mitigation including the reduction of indirect efforts on essential services has to be prioritised already at the planning stage of an operation.
 - In the planning and conduct of military operations in populated areas, appropriate resourcing at all military echelons is essential. One way could be the active use of civilian expertise – also such which might be available within the armed forces (e.g. a reserve soldier might be a civil engineer as a profession).
 - It is crucial to integrate this civilian expertise at operational level, which enables tapping its expertise regarding operating in an urban environment, for example in establishing zones of exclusion or no-target lists.
 - Civil-military relations needs to be harnessed, for example through regular exchange between government agencies, military forces, local population, international organisations, NGOs, and service providers. This not only provides necessary information, but also creates the conditions for collective action. Reliable working relationships can already be established with relevant actors during peacetime.
 - Information sharing with all respective levels is important to ensure that soldiers in the field also have an adequate situational awareness and targeting data.

- The targeting process is of crucial importance during operations, linking military objectives with required effects, necessary means to achieve them and ways to assess the effects generated. Legal and policy considerations that heavily influence targeting decisions need to be extended and adapted to better prevent, respond to and mitigate the challenges of EWIPA. They need to incorporate the provisions of the Declaration, especially para. 3.3 and 3.4.
- Different concepts regarding the targeting process can be utilised such as Collateral Damage Estimation (CDE) and Battle Damage Assessment (BDA), which allow for a more structured assessment of civilian harm but may need to be adapted to fully take into account the particular challenges related to EWIPA. Applying concepts like CDE can provide the basis for changes or adaptations either in doctrines and concepts or operationally, such as restricting the use of certain weapons, applying “weaponneering” measures or making decisions to elevate the authority for weapons use, improving targeting planning.