

Second Revised Draft Political Declaration circulated by Ireland on 3 March 2022
Proposals by the State of Palestine

General comment

Palestine welcomes the second revised draft political declaration, and finds it to be improved from the previous iteration in a number of aspects. We do however believe that the draft must be further strengthened to effectively protect civilians from the use of EWIPA. In this regard, we propose the following changes to the text:

Part A: Preamble

Section 1

1.2

- Delete “can” before “have a devastating impact”
- We strongly support the inclusion of the term “reverberating effects” in the text
- We support the UN’s proposal to add “and education” after “water and sanitation systems”
- Delete “can” before “extend far beyond a weapon’s impact area”
- Recognise psychological trauma as a direct impact of EWIPA; in this regard, we propose including the following language (moved from 1.3): “...cause deaths and injuries, including lifelong disability, as well as psychological and psychosocial harm”
- We support INEW’s proposal to include a reference to the particular vulnerability of children

1.3

- Add “or damage” after “destruction”
- Delete “can” in the second line and replace by more assertive language
- Insert hospitals, healthcare facilities, markets and places of worship in the list of affected sites
- We support the UN’s proposal to add “and generation of large amounts of dangerous wastes including military munition and debris” after “and other resources”

1.4

- We support the inclusion of the following phrase proposed by the Danish Refugee Council at the end of the paragraph: “Social, economic, legal, physical and psychological challenges and risks attributed to displacement deserve to be fully taken into account”

1.4bis

- We support the 1.4bis proposed by INEW

1.5bis

- We support the proposal by the Friends World Committee for Consultation to add a paragraph 1.5bis preceding the current 1.5, on the issue of arms transfers

1.5

- Replace “many” with “some” in the first sentence

- We support the ICRC’s proposal to replace the word “include” in the first sentence with “reflect the importance of”
- As proposed by WILPF, this paragraph should also reference international human rights law alongside IHL

1.6

- Like many others, we propose including also a call for data collection on the reverberating effects of EWIPA on civilians and civilian objects, as well as on the types, quantities and effects of weapons used and locations targeted, and also propose that the data be disaggregated by disability status in addition to sex and age
- Delete “efforts to” in the first sentence and amend such that it reads: “We recognize the importance of recording and tracking civilian casualties, and of using all practicable measures...”
- Delete “where feasible” in the second sentence

1.7

- Replace “short and long-term humanitarian consequences” with “direct and reverberating effects”

1.7bis

- Add “and urge further” after “welcome”
- Include other vulnerable groups in the list of those who should be empowered and whose voices should be amplified, including children

Section 2

2.1

- We strongly welcome this paragraph and the reference to the “obligation” to hold accountable those responsible for violations
- Add “of international humanitarian law and international human rights law” after “violations”
- Insert language on the obligation to investigate violations of international law

2.3

- We welcome the reference to the legal obligation to allow and facilitate rapid and unimpeded passage for humanitarian relief for
- Add “as well as to facilitate sustained humanitarian access and operations” after “civilians in need”

2.4

- Here we must warn that historically, States have sometimes attempted to justify their use of EWIPA against civilian populations, or to distract from their violations involving the use of EWIPA, by making false claims neither based on evidence nor legal determinations, of the alleged exploitation by non-State armed groups of the proximity of civilians or civilian objects to military objectives.
- We support proposals to expand the scope of condemnations to include all unlawful use of EWIPA.

2.5

- We propose to welcome also the work of civil society organisations and UN bodies
- We propose adding IHRL after IHL
- We support the proposal by Chile and Mexico to add a reference to the work of the General Assembly and the reports of the Secretary-General in this paragraph

We support the proposal by WILPF to add a paragraph on international human rights law in this section

Part B: Operative Section

Section 3

3.1

- Delete “where necessary”
- Replace “with regard to” with “to enhance”
- Add “and after” after “during”
- We support the proposal by the Friends World Committee for Consultation to add a reference to national control mechanisms with regard to the transfer of arms to mitigate and avoid civilian harm

3.2

- Add “and on this Political Declaration” after “on international humanitarian law”
- Add “and after” after “during”
- Add “and avoid civilian harm” at the end of the sentence

3.3

- We consider this paragraph to contain the core commitment of the declaration, and as such it should be the first paragraph of this section, followed by 3.1 and 3.2
- The paragraph must be strengthened in order to have the greatest impact in preventing civilian harm:
 - a. Replace “restricting” with “ending” or at the very least “avoiding”
 - b. Delete “in accordance with international humanitarian law”

3.4

- Replace “take into account” with “assess and take steps to mitigate”
- Delete the reference to “battle damage assessments”

3.4bis

- We support the proposal by INEW for a 3.4bis
- We also support the proposal by the Friends World Committee for Consultation for an additional paragraph quoting HRC resolution 41/20

3.5

- We support MAG’s proposal on this paragraph

3.6

- Disseminating IHL is already a legal obligation—hence, this paragraph should add value by committing States to facilitate not only the dissemination and understanding of IHL but also the operative commitments in this political declaration
- Replace “facilitate the dissemination and understanding” with “urgently disseminate and facilitate the understanding”

Section 4

4.2

- Delete “where feasible and appropriate”
- Add “and civilian objects” after “on civilians”
- See our comments in Section 1.6 on data collection, which we reiterate here

We strongly support Switzerland’s proposal for two new paragraphs (4.2bis and 4.2ter), on, respectively, fact-finding mechanisms and on ensuring accountability in this section

4.4

- We support proposals made by several delegations to add, after “support assistance to”, “victims, in particular,....”
- Add language specifying what victim assistance would consist in, including the meeting of basic needs, physical rehabilitation, psychosocial support and socio-economic reintegration

4.4bis

- A provision on supporting humanitarian relief and access should be inserted here
- We support the language proposal by INEW

4.5

- Delete “as appropriate”

4.6

- Replace “on a regular basis” with “annually”
- Add “and universalisation” after “review the implementation”
- Add “its implementation and” after “strengthen”
- Text should emphasise an inclusive approach to such meetings, by including in the first line, after “meet annually”, the phrase “with States, the United Nations, the ICRC, and other international and civil society organisations...”
- Delete sentence that starts with “As a starting point...”