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Use of explosive weapons in densely populated areas : implications for international humanitarian law / Kesolofetse Lefenya

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Abstract:	<p>Explosive weapons indiscriminately affect an area surrounding their point of detonation. This article argues that this factor results in greatly magnified collateral damage when explosive weapons are used in densely populated areas. Explosive fragmentation, infrastructural damage, and munitions left undetonated create heightened risks for civilians by hindering humanitarian aid and reconstruction efforts. Responding to insufficient data on the impact of such weapons, the article includes first-hand accounts of destruction to civilian objects in Libya, Somalia, Sri Lanka, and Gaza by explosive weapons. The author argues that the core international humanitarian law (IHL) principles of proportionality, distinction, and precaution must be applied more stringently to explosive weapons. Protocols to the Convention on Certain Conventional Weapons (CCW) have placed restrictions on the use of some explosive weapons and require that parties issue warnings before attacks and clear remnants afterwards. The author further suggests that states possessing explosive weapons should be more transparent about their stockpiles, and that the international community must work towards a comprehensive policy on their acceptable use. Though important conventions already regulate the use of explosive weapons, their proper implementation depends upon a more thorough understanding of the damage caused by explosive weapons and potential IHL violations. Lastly international criminal justice must ensure that the parties to the conflict responsible for such violations are held accountable. [Summary by students at the University of Toronto, Faculty of Law (IHRP)]</p>
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