

## State use of explosive weapons: an indicator of crisis

**The transition to the use of explosive weapons by a state amongst its own population should be recognised as an indicator of crisis developing.**

Richard Moyes, January 2012

---

Whilst incidents of violence in general may be an indicator of crisis, including incidents of explosive weapon use by non-state armed groups, the use of explosive weapons *by state or multi-lateral bodies* is a particularly distinctive indicator of a shift from a policing to a military orientation in the use of force.

### ***States do not use explosive weapons in a ‘policing’ orientation to use of force***

Most states do not use explosive weapons amongst their populations for the maintenance of public order or in response to criminality. Police forces often have access to lethal force, but this is usually in the form of firearms for use under strict rules of engagement. They also tend to have other force options such as batons, chemical sprays, and sometimes electric shock devices. However, explosive weapons such as fragmentation grenades, mortars, artillery shells or aircraft bombs are usually held only by military or paramilitary units for use in the context of armed conflict (including non-international armed conflict). Whilst certain police units may have flash-bang or ‘stun’ grenades (which use light and sound to disorientate targets), even the smallest explosive weapons such as high-explosive hand-grenades are generally excluded from police use.<sup>1</sup>

The exclusion of explosive weapons from use in domestic policing represents the common practice of states (see Annex 1 below for indication of contexts in which states have used explosive weapons 2010-2011). The reason for this exclusion is that explosive weapons cannot generally be used in such a context in accordance with prevailing international human rights standards or national legal obligations under which states have an overriding responsibility to prevent harm to innocent people.

### ***Use of explosive weapons presents elevated risks to ‘innocent bystanders’ therefore the transition to use is significant***

Because they project blast and fragmentation throughout an area around the point of detonation, and because they must be used at some distance from the target (and so may be subject to errors in accuracy), explosive weapons present a high risk of killing or injuring people who are not the intended targets of attack if any such people are present in the area.

In the normal orientation of a responsible state towards its population, knowingly exposing innocent bystanders to a high risk of death or injury would be held to exceed the minimum level of force necessary for purposes of policing. Even if explosive weapons were used away from populated areas, the use would likely indicate that the state did not have the capacity to bring the targets to justice without recourse to military levels of force. Both of these circumstances indicate a potential crisis in the state’s fulfilment of its protection obligations. Continuation or escalation of explosive weapon use will indicate crisis deepening.

### ***State use of explosive weapons should be adopted as an indicator of crisis***

---

<sup>1</sup> There are, of course, exceptions to this pattern – for example efforts by Mexican police to acquire explosive weapons in response to violence by narcotics gangs. However, such examples tend to illustrate the state experiencing a move towards conflict in its mode of operation.

Based on the analysis above, the transition to the use of explosive weapons by a state amongst its own population should be recognised as an indicator of a crisis developing and this should be explicitly recognised in international early warning mechanisms related to conflict and violations of human rights and humanitarian law.

It is only one indicator (there are likely to be earlier warning indicators), but it is an indicator that is distinct, concrete and can be subject to easy documentation and verification. Adoption of this indicator within the warning mechanisms of the international community can probably be done on the basis of existing information gathering mechanisms in almost all contexts. It would simply require monitoring of incidents of violence that capture the identity of the user and the broad type of weapon used (e.g. artillery shell, tank round, mortar bomb).

Such an indicator should then be used as a basis for further scrutiny of the situation in that state so as to assess options for reducing harm, promote strategies for protection and to determine if this pattern of violence is compatible with international legal obligations and more broadly with the moral obligation of the state towards its population.

### Annex 1. Explosive weapon use by states as an indicator 2010-2011

AOAV's Explosive Violence Monitoring Project (<http://bit.ly/tjd7cs>) tracks English language newswire reports of incidents of explosive violence. It therefore captures a sample of the full pattern worldwide. The table below provides a preliminary summary<sup>2</sup> of explosive weapon use by **state** or **multi-lateral** forces in data gathered by that project between October 2010 and September 2011.

The table shows:

- the country/territory on which use of explosive weapons by a state or multi-lateral force was reported;
- a summary of the state or multi-lateral forces reported as using explosive weapons in that context;
- whether or not that country/territory was listed as being involved in a "major conflict" in the SIPRI 2010 yearbook;
- where that country/territory was not listed as being involved in a major conflict, the first date in the AOA data-set on which explosive weapon use by a state or multi-lateral force was reported.

Country or territory	State or multilateral forces reported using explosive weapons	SIPRI – major conflict 2010 <sup>3</sup>	Date of 1 <sup>st</sup> EVMP incident
Afghanistan	NATO ISAF, Pakistan Armed Forces	Y	
Burma	Burmese Govt Forces	Y	
Cambodia	Thai Army, Cambodian Army	N	04/02/2011
Colombia	Colombian Armed Forces	Y	
Cote d'Ivoire	Pro-Gbagbo Forces, Ivorian Defence and Security Forces, Pro-Outtara Forces	N	16/12/2010
Egypt	Israeli Defence Force	N	18/08/2011
Gaza	Israeli Defence Force	Y	
India	Indian Border Security Force	Y	
Iraq	Iranian Armed Forces, Turkish Air Force, US forces	Y	
Israel	Israeli Defence Force	Y	
Libya	Libyan Govt Forces, NATO	N	06/03/2011

<sup>2</sup> This table discounts incidents where the death or injury resulted from accidents with explosive weapons (e.g. military training, or from unexploded ordnance left by past state use).

<sup>3</sup> <http://www.sipri.org/yearbook/2011/02/02A> Of the 15 major armed conflicts identified by SIPRI in 2010, those not indicated by reference to explosive weapon use by state forces in this data set were: Rwanda, Uganda, Peru, Philippines, Turkey (the USA was one of the conflict locations identified).

Pakistan	Afghan National Army, Indian Border Security Force, Pakistan Armed Forces, USA (inc CIA)	Y	
Russia	Russian Armed Forces in Ingushetia	N	28/03/2011
Somalia	AMISOM, Govt Forces, USA	Y	
South Korea	North Korean Armed Forces	N	23/11/2010
Sudan	Northern and Southern Sudanese Forces	Y	
Syria	Syrian Govt Forces	N	25/04/2011
Thailand	Burmese Armed Forces, Cambodian Armed Forces, Thai Armed Forces	N	31/01/2011
Yemen	Yemen Govt Forces, US	N	17/10/2010

The locations not already identified as being in a major conflict (from 2010) were: Cambodia/Thailand, Cote d'Ivoire, Egypt, Libya, Russia, South Korea, Syria and Yemen. Some of the incidents behind these indications can be seen as potentially anomalous (such as the reported use of explosive weapons by the Israeli Defence Force into Egypt). In other cases – Cambodia/Thailand, Cote d'Ivoire, Libya, Syria – the transition to explosive weapon use can be seen as marking a point of escalation in a situation of established tension.

## Annex 2. Similar indicators

The SIPRI Early Warning Indicators database (<http://bit.ly/rFNbFA>) provides a collation of indicators drawn from a wide range of sources (NGO, state, multi-lateral). The indicators below all relate to incidents or patterns of violence. Recognition within such indicator sets of the particular significance of explosive weapon use by states would be practically straightforward and would enhance their predictive power.

Indicator	Source
Increasing use of force and violence	Spelten, Angelika (Ger. Min. for Eco.Co-op.)
Low-intensity political and ethnic violence	International Alert & Saferworld
Incidence of domestic violence	International Alert & Saferworld
Frequent resort to violence to solve everyday conflicts	International Alert & Saferworld
Intimidation of population through random violence	International Alert & Saferworld
Does unlawful state violence exist?	European Commission
Frequency of outbursts of racial/religious violence	European Commission
Political conflict and violence	UNHCR
Ethnic tension/violence	CIFP
Spontaneous' acts of violence	Scherrer 2002/ECOR
Increasing violence against victim group	Scherrer 2002/ECOR
Ethnic tension/violence	FEWER
Political violence	FEWER
Ethnic violence	FEWER
Recurring violence in border areas (external support for resistance groups, increased likelihood of 'spill over' etc.)	FEWER (IA, Saferworld)
Political violence (assassinations, coups, hostage-taking etc.)	FEWER (IA, Saferworld)
Ethnic tension/violence	FEWER (IA, Saferworld)
Recent history of political instability and violence (coups, assassinations etc.)	FEWER (IA, Saferworld)
Increasing violence in society (not only by military actors, but including criminals and others);	FEWER (IA, Saferworld)
Political conflicts and violence	FUGI