II. Multilateral regulation of inhumane weapons and other conventional weapons of humanitarian concern

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Many of the contemporary debates on conventional arms control are shaped by the concept of 'humanitarian disarmament', which prioritizes the protection, security and well-being of people as opposed to states. This approach strives to increase the protection of civilians and combatants by banning certain types of weapon or restricting their use.[1] Victim assistance has become a core element of the humanitarian disarmament agenda.[2]

One of the main multilateral treaties designed for regulating weapons that are considered to cause unnecessary or unjustifiable suffering to combatants or to affect civilians indiscriminately is the 1981 Certain Conventional Weapons Convention (CCW Convention) and its five protocols. Its scope extends to landmines, incendiary weapons and explosive remnants of war (ERW), among other weapon types. Since the CCW Convention is an umbrella treaty, agreements on additional weapon types can be regulated through the adoption of new protocols. In recent decades, however, there have been increasing tensions between the prioritization of humanitarian demands and the perceived military needs of certain states. This led in the 1990s and 2000s to smaller groups of states agreeing to ban anti-personnel mines and cluster munitions through treaties outside the CCW framework: the 1997 Anti-Personnel Mine (APM) Convention and the 2008 Convention on Cluster Munitions (CCM).

The alleged use of cluster munitions, incendiary weapons and unguided missiles on residential areas during the war in Ukraine in 2022 has exacerbated these tensions (see also section I). Because the CCW regime operates by consensus, a small number of states that have chosen to retain, develop or use weapons seen as inhumane by others have simply vetoed or stalled progress on strengthening that treaty.[3]

[1] See the discussions on humanitarian disarmament in Anthony, I., 'International humanitarian law: ICRC guidance and its application in urban warfare', *SIPRI Yearbook 2017*, pp. 545–53; and Davis, I. and Verbruggen, M., 'The Convention on Certain Conventional Weapons', *SIPRI Yearbook 2018*, p. 381. See also International Committee of the Red Cross (ICRC), 'International humanitarian law and the challenges of contemporary armed conflicts: Recommitting to protection in armed conflict on the 70th anniversary of the Geneva Conventions', *International Review of the Red Cross*, vol. 101, no. 911 (Aug. 2019).

[2] Docherty, B. and Sanders-Zakre, A., 'The origins and influence of victim assistance: Contributions of the Mine Ban Treaty, Convention on the Rights of Persons with Disabilities and Convention on Cluster Munitions', *International Review of the Red Cross*, vol. 105, no. 922 (Apr. 2023).

[3] See e.g. the discussion on the 2016 CCW review conference in Davis, I. et al., 'Humanitarian arms control regimes: Key developments in 2016', *SIPRI Yearbook 2017*, pp. 554–61; and on developments since then in the 2018–22 editions of the SIPRI Yearbook.

Table 10.1. Meetings of the Certain Conventional Weapons Convention in 2022

Dates	Meeting
7–11 March	Group of governmental experts on lethal autonomous weapon systems
20 July	Amended Protocol II group of experts
22 July	Protocol V meeting of experts
25–29 July	Group of governmental experts on lethal autonomous weapon systems
14 November	16th annual conference of the parties to Protocol V
15 November	24th annual conference of the parties to Amended Protocol II
16–18 November	Meeting of the high contracting parties

Note: All meetings took place in Geneva.

As of 31 December 2022, 126 states were party to the CCW Convention and at least two of its five protocols; Malawi joined on 23 September 2022 and was the only new state party to do so during the year.[4] In 2022 the parties held a total of seven CCW-related meetings (see table 10.1). The annual meeting of high contracting parties in November 2022 once again demonstrated the weaknesses in the consensus process, with no substantive progress and a single delegation—the Russian Federation—overriding the interests and priorities of most states parties, despite the urgency around many issues on its agenda.[5]

The main consequence of a handful of states obstructing advances in most of the CCW agenda has been a perpetual stalemate in the regime in recent years. This, in turn, has led to regulatory progress in some areas being sought outside the CCW process. As was the case on landmines and cluster munitions, this is being done by groups of small and middle-power states supported by civil society networks. Most notably in 2022, an Ireland-led process to address the use of explosive weapons in populated areas (EWIPA) resulted in the adoption of a new political declaration on the issue.

Other categories of conventional weapon that raise humanitarian concerns are dealt with by other legal and political processes. For example, small arms and light weapons (SALW) are regulated by a series of regional and subregional treaties and by two politically binding agreements: the 2001 United Nations Programme of Action on SALW (POA) and the 2005 International Tracing Instrument (ITI).[6] They also fall within the scope of the 2013 Arms Trade Treaty (ATT). There have been calls for further and tighter regulation of SALW, especially regarding ammunition.

[4] For a summary and other details of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects (CCW Convention), including lists of the states parties that have ratified the original, amended and additional protocols, see annex A, section I, in this volume.

[5] Acheson, R., 'Procedural tyranny continues at the CCW', *CCW Report*, vol. 10, no. 11 (22 Nov. 2022). For documents and statements of the 2022 meeting of high contracting parties see UN Office for Disarmament Affairs (UNODA), 'Convention on Certain Conventional Weapons—Meeting of high contracting parties', UNODA Meetings Place, 2022.

[6] On the regional and subregional treaties regulating SALW see annex A, section II, in this volume.

Similarly, armed uncrewed aerial vehicles (UAVs), including loitering munitions, have been addressed to some extent in the UN General Assembly, the Missile Technology Control Regime (MTCR) and the ATT.[7] However, there is no dedicated multilateral process on the regulation of armed UAVs, and both Russia and Ukraine were able to import and use thousands of loitering munitions in their war in 2022.[8]

This section reviews the key developments and treaty negotiations that took place in 2022 in relation to weapons deemed to be inhumane and weapons that raise humanitarian concerns. It first looks, in turn, at weapon types addressed principally within the CCW regime and parallel frameworks (the CCM and APM Convention): incendiary weapons, EWIPA, cluster munitions, landmines, improvised explosive devices (IEDs) and ERW. The challenges posed by autonomous weapon systems and the prominent intergovernmental efforts within the CCW regime to address them are discussed in section III. This section concludes by looking at developments related to SALW and conventional ammunition.

Incendiary weapons

Incendiary weapons produce heat and fire through the chemical reaction of a flammable substance. They cause extremely painful burn injuries that are difficult to treat and start fires that can destroy civilian infrastructure. Protocol III to the CCW Convention regulates the use of incendiary weapons, but critics argue that it is being undermined by two loopholes.[9] First, it prohibits the use of air-dropped incendiary weapons in civilian areas but permits the use of ground-launched versions under certain circumstances. Second, it does not encompass white phosphorus or other munitions that are 'primarily designed' to create smokescreens or to signal troops, yet still produce the same incendiary effects. Protocol III has been accepted by 115 of the CCW states parties.

In 2022 there were allegations that incendiary weapons were being repeatedly used in the Russia–Ukraine War, despite both sides being party

[7] On the shortfalls in regulatory policy development in this area see Davis, I. and Maletta, G., 'Multilateral regulation of inhumane weapons and other conventional weapons of humanitarian concern', *SIPRI Yearbook 2022*, pp. 526–28. On developments in the MTCR see chapter 12, section IV, in this volume.

[8] Albon, C., 'US army seeks defense against "kamikaze" drone threat seen in Ukraine', *Defense News*, 12 Oct. 2022; and 'How are "kamikaze" drones being used by Russia and Ukraine?', BBC News, 3 Jan. 2023; and Yousif, E., 'Drone warfare in Ukraine: Understanding the landscape', Stimson Center, 30 June 2022. On international transfers of UAVs to the conflict parties see chapter 6, section I, in this volume.

[9] Human Rights Watch (HRW) and International Human Rights Clinic, *'They Burn Through Everything': The Human Cost of Incendiary Weapons and the Limits of International Law* (HRW: New York, Nov. 2020), pp. 38–39.

to Protocol III.[10] Human Rights Watch (HRW) reviewed visual evidence showing at least 37 attacks using surface-fired incendiary weapons and positively identified remnants of unguided, ground-launched 9M22S Grad incendiary rockets at some of the affected locations. However, HRW was unable to attribute responsibility for these attacks, as both Russia and Ukraine possess this type of incendiary weapon.[11] This type was previously used in eastern Ukraine in 2014, although attribution could not be verified, and in Syria in 2013–19 by the Russian–Syrian military alliance.

In recent years over 20 states along with the European Union (EU), the International Committee of the Red Cross (ICRC) and many non-governmental organizations (NGOs) have raised concerns about incendiary weapons. However, a widely supported proposal by Ireland at the sixth CCW review conference, in 2021, to hold informal consultations on Protocol III in 2022 was blocked by Cuba and Russia.[12]

At the meeting of parties of the CCW in November 2022, Austria, Ireland, Mexico, New Zealand, Norway and Switzerland jointly expressed concern about the misuse of the consensus rule, saying that its purpose should be 'to protect vital national interests, not to veto discussions in a multilateral forum'.[13] They also called for a decision in the final report to request the incoming president of the CCW meeting of parties to conduct informal consultations on the implementation and universalization of Protocol III, and report the findings to the 2023 meeting. This proposal was additionally supported by Belgium, Germany and Panama. However, Russia successfully blocked the inclusion of any language on incendiary weapons in the final report of the 2022 meeting.[14]

Explosive weapons in populated areas

The use of EWIPA—and especially the use of explosive weapons with a large destructive radius, an inaccurate delivery system or the capacity to deliver multiple munitions over a wide area—has frequently led to situations in armed conflict, including in such places as Ethiopia, Syria, Ukraine and Yemen, where around 90 per cent of casualties in populated areas are civilian

[10] See e.g. 'Burning munitions cascade down on Ukrainian steel plant, video shows', Reuters, 15 May 2022; and Ott, H., 'What is white phosphorous, and what does it mean that Russia may be using it in Ukraine?', CBS News, 25 Mar. 2022.

[11] United Nations, General Assembly, First Committee, Joint civil society statement on incendiary weapons, Human Rights Watch, 18 Oct. 2022.

[12] Davis and Maletta (note 7), pp. 517–18.

[13] CCW Convention, Meeting of the high contracting parties, 'Working paper on incendiary weapons', Submitted by Austria, Ireland, Mexico, New Zealand, Norway and Switzerland, CCW/MSP/2022/WP.3, 18 Nov. 2022.

[14] Acheson, R. and Varella, L., 'Consideration of the draft final report', *CCW Report*, vol. 10, no. 11 (22 Nov. 2022); and CCW Convention, Meeting of the high contracting parties, Final report, Advanced version, CCW/MSP/2022/7, 24 Nov. 2022.

rather than combatants.[15] A study by Action on Armed Violence (AOAV), an independent weapon-related research and advocacy organization, recorded 357 370 casualties (155 118 people killed and 202 252 injured) from explosive weapons in the decade 2011–20, 73 per cent of whom were civilians.[16] Of the recorded incidents, 60 per cent took place in populated areas. The use of EWIPA also has reverberating effects, with impacts on water, sanitation, ecosystems, healthcare, education and psychological well-being.[17]

Use of EWIPA in the Russia–Ukraine War

The use of EWIPA in the Russia–Ukraine War has resulted in widespread death, injuries and destruction. According to AOAV, the number of civilian casualties from explosive violence since the invasion on 24 February 2022 had reached 10 680 by 13 January 2023, including 3813 killed and 6867 injured. Of the civilian casualties, 94 per cent (10 055) occurred in populated areas.[18] Based on its investigations of the events in Kyiv, Chernihiv, Kharkiv and Sumy oblasts in late February and March 2022, the report of the Independent International Commission of Inquiry on Ukraine found the 'relentless use' of explosive weapons with wide-area effects in populated areas that were under attack by Russian armed forces.[19] The commission documented indiscriminate attacks using cluster munitions (see below), unguided rockets and air strikes. Residential buildings, schools and hospitals, among other parts of the civilian infrastructure, were damaged or destroyed.[20]

Agreement of the Political Declaration on the use of EWIPA

In June 2022 negotiations were concluded on the Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated

[15] Action on Armed Violence (AOAV), *Explosive Violence Monitor 2021* (AOAV: London, 2022), p. 3. See also ICRC, *Explosive Weapons with Wide Area Effects: A Deadly Choice in Populated Areas* (ICRC: Geneva, Jan. 2022); and International Network on Explosive Weapons (INEW), 'Protecting civilians from the use of explosive weapons in populated areas', May 2020.

[16] The study was based on the monitoring of 29 000 incidents in 123 countries recorded by English-language media. AOAV, *A Decade of Explosive Violence Harm* (AOAV: London, May 2021), p. 9.

[17] For a detailed taxonomy of these effects see Baldo, A. M. and Batault, F., *Second Menu of Indicators to Measure the Reverberating Effects on Civilians from the Use of Explosive Weapons in Populated Areas* (UNIDIR: Geneva, Feb. 2022). See also UN Children's Fund (UNICEF), *Water Under Fire*, vol. 3, *Attacks on Water and Sanitation Services in Armed Conflict and the Impacts on Children* (UNICEF: New York, 2021).

[18] AOAV, 'Ukraine: AOAV explosive violence data on harm to civilians', 13 Jan. 2023.

[19] United Nations, General Assembly, Report of the Independent International Commission of Inquiry on Ukraine, A/77/533, 18 Oct. 2022, p. 2. The commission of inquiry was established by UN Human Rights Council Resolution 49/1, 'Situation of human rights in Ukraine stemming from the Russian aggression', 4 Mar. 2022. It was requested to undertake the inquiry by UN Human Rights Council Resolution S-34/1, 'The deteriorating human rights situation in Ukraine stemming from the Russian aggression', 12 May 2022.

[20] United Nations, A/77/533 (note 19), pp. 8–9. Also see PAX, 'Impact on healthcare from bombing and shelling in Ukraine', 31 Mar. 2022.

Areas.[21] The political declaration, while falling short of a legally binding commitment, is the first formal international recognition that the use of EWIPA has severe humanitarian consequences that need to be urgently addressed. It promotes stronger standards for the protection of civilians and commits states that sign the declaration to implement these standards through changes to their national policy and practice. The declaration can also provide a basis for stigmatizing harmful actions, such as use of explosive weapons with wide-area effects in populated areas.

The International Network on Explosive Weapons (INEW), a coalition of NGOs, was the first to articulate EWIPA as an issue that demanded attention in the early 2010s.[22] This led to calls from an increasing number of states, successive UN secretary-generals, international bodies and other NGOs for measures to provide better protection for civilians and to prevent harm from EWIPA.[23] After many years of failing to make progress within the CCW framework, and as a result of this increasing international political pressure, a separate consultation process led by Ireland gathered momentum from late 2019, but stalled somewhat due to the Covid-19 pandemic in 2020–21.[24]

On 6–8 April 2022 over 65 states (with 200 delegates), international organizations and civil society groups resumed face-to-face dialogue on the issue at the United Nations in Geneva.[25] This fourth round of consultations considered the third draft of the declaration and brought the process close to completion.[26] On 17 June 2022 the same parties met again in Geneva, where the final text of the political declaration was presented by Ireland, and

[21] Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated Areas, Irish Department of Foreign Affairs, 17 June 2022.

[22] See e.g. INEW, *Stop Bombing Civilians: An Advocacy Guide on Explosive Weapons in Populated Areas* (INEW: London, [Sep. 2012]).

[23] See e.g. Austrian Federal Ministry for Europe, Integration and Foreign Affairs, 'Vienna Conference on Protecting Civilians in Urban Warfare: Summary of the conference', Vienna, 1–2 Oct. 2019; and United Nations, 'Joint appeal by the UN secretary-general and the president of the International Committee of the Red Cross on the use of explosive weapons in cities', Press release SG/2251, 18 Sep. 2019. For a list of 112 states and territories and 9 state groupings that have publicly acknowledged the harm caused by EWIPA in statements see INEW, 'Political response'.

[24] Irish Department of Foreign Affairs, 'Protecting civilians in urban warfare'. For developments in 2019–21 see Davis, I., 'Global instruments for conventional arms control', *SIPRI Yearbook 2020*, pp. 496–99; Davis, I., 'Global and regional instruments for conventional arms control', *SIPRI Yearbook 2021*, pp. 508–10; and Davis and Maletta (note 7), pp. 518–20.

[25] INEW, 'States near agreement committing to reduce civilian harm from use of explosive weapons in towns and cities', Press release, 8 Apr. 2022.

[26] Draft Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated Areas, Rev. 2, Irish Department of Foreign Affairs, circulated 3 Mar. 2022. For an outline of the key discussions see Acheson, R., 'The political declaration on explosive weapon use must protect civilians, not militaries', Reaching Critical Will, 14 Apr. 2022.

subsequently agreed without changes.[27] At the signing conference in Dublin on 18 November 2022, 83 states formally adopted the declaration.[28]

Several states and civil society organizations accepted that the declaration—particularly its key commitment in paragraph 3.3—fell short of expectations for a clear and explicit commitment to avoid the use of EWIPA when they have wide-area effects.[29] However, it was widely agreed that implementation of the declaration at the national level provides a means through which to promote changes in state policy and practice. In this regard, the adoption of the political declaration should be seen as the first step towards establishing an effective norm against EWIPA.

The environment and armed conflict

New standards were also set during 2022 regarding the environment and armed conflict. On 7 December 2022 the UN General Assembly adopted by consensus the Principles on the Protection of the Environment in Relation to Armed Conflicts.[30] The principles had been drafted by the International Law Commission in a 10-year process.[31]

These 27 non-binding principles call for designated protection zones, the explicit application of existing international humanitarian law to the environment, and rules to protect the environment during times of occupation.[32] The principles apply throughout the cycle of armed conflicts and establish a minimum standard of environmental conduct for militaries, as well as for a range of non-state actors. As with the Political Declaration on EWIPA, these principles will require further promotion and implementation by supportive states and civil society.

Cluster munitions

Cluster munitions are air-dropped or ground-launched weapons that release smaller submunitions intended to kill enemy personnel or destroy vehicles. There are three main criticisms of cluster munitions: they disperse large

[27] Varella, L., 'States agree to final text of political declaration on the use of explosive weapons', Reaching Critical Will, 22 June 2022.

[28] Explosive Weapons in Populated Areas, Dublin Conference 2022, 'List of endorsing states', 18 Nov. 2022.

[29] See e.g. International Network on Explosive Weapons (INEW), 'States agree final text of political declaration on the use of explosive weapons', 17 June 2022; Varella (note 27); and Bagshaw, S., 'Implementing the political declaration on the use of explosive weapons in populated areas: Key areas and implementing action', Policy briefing, Article 36, Nov. 2022.

[30] UN General Assembly Resolution 77/104, 'Protection of the environment in relation to armed conflicts', 7 Dec. 2022. See also Conflict and Environment Observatory, 'States adopt new legal framework on the environmental impact of war', 8 Dec. 2022.

[31] United Nations, General Assembly, Report of the 73th session of the International Law Commission, A/77/10, 2022, paras 45–58.

[32] UN General Assembly Resolution 77/104 (note 30), annex.

numbers of submunitions imprecisely over an extended area; they are difficult to detect; and they frequently fail to detonate, thereby leaving unexploded submunitions that can remain explosive hazards for many decades.[33]

The humanitarian consequences of cluster munitions and the harm to civilians that they cause are addressed by the 2008 Convention on Cluster Munitions.[34] The CCM establishes an unconditional prohibition on cluster munitions. It also requires its states parties to destroy their stockpiles within 8 years of entry into force of the convention (Article 3), clear areas contaminated by cluster munition remnants within 10 years (Article 4) and provide assistance for victims of such weapons (Article 5). As of 31 December 2022, the CCM had 110 parties and 13 signatory states, among which are former major producers and users of cluster munitions as well as affected states. In December 2022, 144 states voted to adopt the eighth UN General Assembly resolution supporting the CCM, with 1 vote against (Russia).[35]

Use and production: Cluster munition attacks in Ukraine

No CCM state party has used cluster munitions since the convention was adopted, and most of the states still outside the convention abide de facto by the ban on the use and production of these weapons. Since the CCM entered into force in August 2010, cluster munitions have been used in eight non-signatory states: Azerbaijan in 2020; Cambodia in 2011; Libya in 2011, 2015 and 2019; South Sudan in 2014; Sudan in 2012–15; Syria in 2012–21; Ukraine in 2014–15 and 2022; and Yemen in 2015–17.[36]

Ukraine was the only country in the world where cluster munitions were used in 2022. The extensive use of cluster munitions by Russia in its invasion of Ukraine has been documented by NGOs and the Independent International Commission of Inquiry on Ukraine. HRW, for example, reported that Russian armed forces used at least six types of cluster munition in hundreds of attacks in at least eight of Ukraine's oblasts between 24 February and 10 May 2022, while the commission documented indiscriminate attacks with the use of cluster munitions on Chernihiv city on 17 March 2022.[37] Hundreds of civilians were killed and injured in these cluster munition attacks: preliminary data indicates at least 689 civilian casualties in the

[33] Feickert, A. and Kerr, P. K., *Cluster Munitions: Background and Issues for Congress*, Congressional Research Service (CRS) Report for Congress RS22907 (US Congress, CRS: Washington, DC, 9 Mar. 2022).

[34] For a summary and other details of the CCM see annex A, section I, in this volume.

[35] UN General Assembly Resolution 77/79, 'Implementation of the Convention on Cluster Munitions', 7 Dec. 2022.

[36] Cluster Munition Coalition (CMC), *Cluster Munition Monitor 2022* (International Campaign to Ban Landmines–CMC: Geneva, Aug. 2022), p. 14. *Cluster Munition Monitor 2022* focuses on the calendar year 2021 with information included up to Aug. 2022 where possible.

[37] HRW, *Intense and Lasting Harm: Cluster Munition Attacks in Ukraine* (HRW: New York, May 2022); and United Nations, A/77/533 (note 19), p. 9. See also Amnesty International, 'Ukraine: Cluster munitions kill child and two other civilians taking shelter at preschool', 27 Feb. 2022.

first half of 2022.[38] The International Criminal Court's investigation into allegations of Russian war crimes in Ukraine may also examine allegations of indiscriminate use of cluster munitions.[39] There are also allegations that Ukraine used cluster munitions at least three times in 2022.[40] Neither Russia nor Ukraine is party to the CCM.

The cluster munition attacks in Ukraine were condemned by the UN high commissioner for human rights, UN special rapporteurs, experts and the non-governmental Cluster Munition Coalition, the EU and its member states, at least 21 other states, and the secretary-general of the North Atlantic Treaty Organization (NATO).[41] The NATO secretary-general, Jens Stoltenberg, for example, called Russia's use of cluster munitions in Ukraine 'inhumane' and 'in violation' of international law.[42]

Although the United States also expressed concern at Russia's use of cluster munitions, it has remained unwilling to join the CCM.[43] On 22 April 2022, in a letter to the US president, 27 members of the US Congress called cluster munitions 'barbaric and indiscriminate weapons' and said that they 'strongly believe the credible allegations of Russian use of cluster munitions necessitate a change to the administration's cluster munitions policy'.[44] However, the US military has strenuously resisted efforts to fully curtail the availability of cluster munitions and US policy seems unlikely to change any time soon.[45]

The Cluster Munition Coalition lists 16 states as producers of cluster munitions: Brazil, China, Egypt, Greece, India, Iran, Israel, North Korea, South Korea, Pakistan, Poland, Romania, Russia, Singapore, Türkiye and the USA.[46] None of them is party to the CCM. Russia has continued to

[38] Cluster Munition Coalition (note 36), p. 37.

[39] Khan, K. A. A., ICC Prosecutor, 'I have decided to proceed with opening an investigation', Statement on the situation in Ukraine, International Criminal Court (ICC), 28 Feb. 2022.

[40] Cluster Munition Coalition (note 36), p. 15; and Gibbons-Neff, T. and Ismay, J., 'To push back Russians, Ukrainians hit a village with cluster munitions', *New York Times*, 18 Apr. 2022.

[41] E.g. M. Bachelet, UN High Commissioner for Human Rights, Statement on Ukraine, UN Human Rights Council, 30 Mar. 2022. States have condemned the use of cluster munition in Ukraine in national or joint statements at UN bodies including the Human Rights Council, the General Assembly and the Security Council. See Human Rights Watch (note 37), pp. 18–19.

[42] NATO, 'Press conference by NATO Secretary General Jens Stoltenberg following the extraordinary meeting of NATO ministers of foreign affairs', 4 Mar. 2022. Of NATO's 30 member states, 23 have ratified the CCM, the 7 exceptions being Estonia, Greece, Latvia, Poland, Romania, Türkiye and the USA.

[43] Crocker, S., US Permanent Representative to the UN and Other International Organizations in Geneva, Statement at the Human Rights Council urgent debate on the human rights situation in Ukraine, 3 Mar. 2022.

[44] Keating, W. R., Chair of the US House of Representatives Committee on Foreign Affairs Subcommittee on Europe, Energy the Environment and Cyber, and 26 others, Letter to President Joe Biden, 22 Apr. 2022.

[45] Feickert, A. and Kerr, P. K., *Cluster Munitions: Background and Issues for Congress*, CRS Report for Congress RS22907 (US Congress, CRS: Washington, DC, 9 Mar. 2022); and Pomper, S., 'US policy on cluster munitions and Russia's war in Ukraine', Just Security, 4 May 2022.

[46] Cluster Munition Coalition (note 36), pp. 17–18.

produce new cluster munitions and its armed forces used at least two newly developed types in Ukraine in 2022.[47] A lack of transparency means that it is unclear whether any of the other 15 listed states were actively producing such munitions in 2021–22.

Cluster munition clearance and stockpile destruction

Stockpile destruction is one of the CCM's major successes: 38 of the 42 states parties that had declared possession of cluster munitions have completed the destruction of their stockpiles. This destruction of 1.5 million stockpiled cluster munitions containing 178 million submunitions represents the destruction of 99 per cent of all the cluster munitions and submunitions declared as stockpiled under the CCM. Four states parties—Bulgaria, Peru, Slovakia and South Africa—have cluster munition stocks still to destroy.[48]

The quantity of cluster munitions currently stockpiled by non-CCM signatories is unknown. Similarly, it is not possible to provide an accurate estimate of the total size of the area contaminated by cluster munition remnants, but at least 26 UN member states and 3 other states or areas remain contaminated by cluster munitions.[49] These include 10 CCM states parties (Afghanistan, Bosnia and Herzegovina, Chad, Chile, Germany, Iraq, Laos, Lebanon, Mauritania, and Somalia) and two signatory states (Angola and the Democratic Republic of the Congo, DRC). In addition, there are remnants in 14 non-signatory UN member states (Armenia, Azerbaijan, Cambodia, Georgia, Iran, Libya, Serbia, South Sudan, Sudan, Syria, Tajikistan, Ukraine, Viet Nam and Yemen) and 3 other states or areas (Kosovo, Nagorno-Karabakh and Western Sahara). Over the past decade, six CCM states parties (the Republic of the Congo, Croatia, Grenada, Montenegro, Mozambique and Norway) have completed clearance of areas contaminated by cluster munition remnants.[50]

The 10th meeting of states parties

The 10th meeting of states parties to the CCM, held in Geneva on 30 August–2 September 2022, was the first formal meeting of the convention after the adoption of the Lausanne Action Plan at the second CCM review conference, in 2021. The Action Plan is a five-year (2021–26) road map for the states parties to progress towards the full universalization and implementation of the CCM.[51]

The meeting expressed 'grave concern' over the use of cluster munitions in Ukraine, but welcomed the continued progress in stockpile destruction,

[47] Cluster Munition Coalition (note 36), p. 17.
[48] Cluster Munition Coalition (note 36), pp. 22–25.
[49] Cluster Munition Coalition (note 36), pp. 39–47.
[50] Cluster Munition Coalition (note 36), pp. 39–40.
[51] Convention on Cluster Munitions (CCM), *Lausanne Action Plan* (CCM Implementation Support Unit: Geneva, Sep. 2021). Also see Davis and Maletta (note 7), pp. 522–23.

including the confirmation by Guinea-Bissau that it did not have any cluster munitions in its armouries.[52] The meeting also granted Bulgaria an extension of its deadline for the destruction of its cluster munition stockpile, as well as extensions to Bosnia and Herzegovina, Chad and Chile for completing the clearance and destruction of cluster munition remnants.[53]

Landmines, improvised explosive devices and explosive remnants of war

Anti-personnel mines are mines that detonate on human contact—that is, they are victim activated—and therefore encompass improvised explosive devices that act as anti-personnel mines, also known as 'improvised mines'.[54] They are prohibited under the 1997 APM Convention.[55] As of 31 December 2022 there were 164 states parties to the APM Convention; no new accession to the convention has taken place since 2017. Amended Protocol II of the CCW Convention, with 106 states parties, also regulates (but does not entirely ban) landmines—including APMs and anti-vehicle mines, known as mines other than APMs (MOTAPMs)—as well as booby-traps and IEDs. A dedicated group of experts under this protocol has been working on these devices since 2009. Explosive remnants of war—including landmines, unexploded ordnance and abandoned explosive ordnance—are regulated by CCW Protocol V, which has 97 states parties. IEDs are also discussed in the First Committee of the UN General Assembly, including through the submission of resolutions.

Use and production of APMs in 2021–22

In 2021, the most recent year for which comparative data is available, over 5500 people were killed or injured by APMs in 50 countries and areas—the sixth successive year of high casualties. Of the casualties whose status was known, 76 per cent were civilians. The two states with the most casualties in 2021 were Syria (1227) and Afghanistan (1074).[56]

The deployment of new APMs by states is now extremely rare. According to the International Campaign to Ban Landmines (ICBL), only two states—Myanmar and Russia (neither a party to the APM Convention)—used APMs in the period mid 2021 to October 2022. Myanmar had been deploying them

[52] Convention on Cluster Munitions, 10th meeting of states parties, Final report, CCM/MSP/2022/12, 19 Sep. 2022, paras 21, 26.

[53] Convention on Cluster Munitions, CCM/MSP/2022/12 (note 52), paras 27–43.

[54] Seddon, B. and Malaret Baldo, A., *Counter-IED: Capability Maturity Model & Self-assessment Tool* (UN Institute for Disarmament Research: Geneva, 2020).

[55] For a summary and other details of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (APM Convention) see annex A, section I, in this volume.

[56] International Campaign to Ban Landmines (ICBL), *Landmine Monitor 2022* (ICBL–Cluster Munition Coalition: Geneva, Nov. 2022), pp. 48–54. *Landmine Monitor 2022* focuses on the calendar year 2021 with information included up to Oct. 2022 where possible.

for the previous 20 years. Russia has used at least seven types of APM in multiple areas across Ukraine since it invaded the country on 24 February 2022. It is unprecedented for a country that is not a party to the treaty to have used APMs on the territory of a state party such as Ukraine.[57] In a potential violation of Ukraine's own treaty commitments not to use the weapons, HRW alleged in early 2023 that Ukrainian forces had also fired 'thousands' of APMs into Russian-occupied territory 'in and around' the eastern Ukrainian city of Izyum while it was occupied by Russian forces in April to September 2022.[58] The Ukrainian Ministry of Foreign Affairs said in a statement that it 'took note' of the report, which it said would be 'duly studied by the competent authorities of Ukraine'.[59] Post-war clearance of APMs in Ukraine is expected to take at least a decade.[60]

New information in 2022 linked the Wagner Group, a Russian private military and security company, to the use of APMs in Libya in 2019–20 that killed at least three Libyan deminers.[61] More than 50 states have produced APMs in the past, but the ICBL identifies only 11 as possible current producers (1 fewer than in 2021 following a change in US policy; see below), and only 5 as the most likely to be active producers: India, Iran, Myanmar, Pakistan and Russia.[62]

While there is a de facto moratorium on the production and use of APMs among most states in the world, the use of these weapons, including victim-activated IEDs, by non-state armed groups in conflicts is a growing problem.[63] APMs were used by such groups in at least five states between mid 2021 and October 2022: the Central African Republic, Colombia, the DRC, India and Myanmar.[64]

At its meeting in July 2022, the group of experts of Amended Protocol II continued its discussion of IEDs. Its focus remained on voluntary exchange of information on national and multilateral measures and on best practices

[57] ICBL (note 56), pp. 2, 8–16. See also HRW, 'Background briefing on landmine use in Ukraine', June 2022.

[58] HRW, 'Ukraine: Banned landmines harm civilians', 31 Jan. 2023.

[59] Ukrainian Ministry of Foreign Affairs, 'Коментар МЗС України щодо Звіту організації Human Rights Watch' [Commentary of the MFA of Ukraine on the report of the Human Rights Watch organization], 31 Jan. 2023 (author translation).

[60] Tondo, L. and Koshiw, I., '"The Russians mined everything": Why making Kherson safe could take years', *The Guardian*, 16 Nov. 2022.

[61] HRW, 'Libya: Russia's Wagner Group set landmines near Tripoli', 31 May 2022. On the Wagner Group, and private military and security companies more generally, see chapter 4, in this volume.

[62] ICBL (note 56), p. 22. The other 6 listed producers are China, Cuba, North Korea, South Korea, Singapore and Viet Nam.

[63] E.g. Luke, D., *Old Issues, New Threats: Mine Action and IEDs in Urban Environments* (LSE Ideas: London, Feb. 2020).

[64] ICBL (note 56), pp. 2, 16–19.

regarding identification, humanitarian clearance and civilian protection from IEDs.[65]

Revised policy on APMs announced by the United States

On 21 June 2022 the United States announced a new policy on APMs, effectively banning their transfer, development, production or acquisition. It also states that the USA will 'Not assist, encourage, or induce anyone, outside of the context of the Korean Peninsula, to engage in any activity that would be prohibited by the [APM] Convention'.[66] The so-called Korean exception allows the USA to use and stockpile APMs for the defence of South Korea.[67] The USA has a stockpile of approximately 3 million APMs.[68]

The announcement came after a comprehensive review that began in April 2021 and essentially reversed the APM policy adopted in January 2020 by the previous administration. This was the fifth change in US policy in as many administrations, dating back to the 1990s. Meanwhile, the country last used APMs in 1991 (except for one use in Afghanistan in 2002) and has not exported them since 1992 or produced them since 1997.[69]

APM clearance and stockpile destruction

An estimated 132 square kilometres of land were cleared of APMs in 2021 (compared to 146 km^2 in 2020 and 156 km^2 in 2019) and nearly 118 000 APMs were destroyed (compared to 135 000 in 2020 and 122 000 in 2019).[70] Cambodia cleared the most land during 2021 (43.7 km^2), followed by Croatia (34.5 km^2). Sri Lanka cleared and destroyed the most landmines in 2021, with 26 804 cleared from 4.1 km^2 of land. The 60 states and other areas that are known to have mine contamination include 33 states parties to the APM Convention. Among them are some of the most mine-affected states in the world: Afghanistan, Bosnia and Herzegovina, Cambodia, Croatia, Ethiopia, Iraq, Türkiye, Ukraine and Yemen.[71]

Collectively, states parties have destroyed more than 55 million stockpiled APMs since the convention entered into force. Only two states parties have remaining stockpile-destruction obligations—Greece (0.3 million) and

[65] Amended Protocol II to the CCW Convention, 24th annual conference, 'Report on improvised explosive devices', CCW/AP.II/CONF.24/2, 14 Sep. 2022.

[66] White House, 'Changes to US anti-personnel landmine policy', Fact sheet, 21 June 2022. See also Stohl, R., 'Biden administration announces new APL landmines policy', Stimson Center, 24 June 2022.

[67] Troxell, J. F., 'Landmines: Why the Korea exception should be the rule', *Parameters*, vol. 30, no. 1 (2000).

[68] US Department of State, 'Briefing on the United States' updated anti-personnel landmine policy', 21 June 2022.

[69] On the political and norm-setting nature of the change see Human Rights Watch, 'Landmines: US moves closer towards global ban', 21 June 2021; and 'New US anti-personnel landmine policy adopted', *American Journal of International Law*, vol. 116, no. 4 (Oct. 2022).

[70] ICBL (note 56), pp. 54–59.

[71] ICBL (note 56), pp. 34–48.

Ukraine (3.3 million)—and both are in violation of the treaty for missing their destruction deadlines. The total remaining global stockpile of APMs held by non-states parties is estimated to be fewer than 50 million, down from about 160 million in 1999. With the exception of Ukraine, the largest stockpilers are non-signatories: Russia (26.5 million), Pakistan (6 million), India (4–5 million), China (5 million), Ukraine (3.3 million) and the USA (3 million).[72] At the 20th meeting of the states parties to the APM Convention, which took place on 21–25 November 2022 in Geneva, eight states were granted extensions to their mine-clearance obligations under Article 5: Afghanistan (until 2025), Argentina (2026), Ecuador (2025), Guinea-Bissau (2024), Serbia (2024), Sudan (2027), Thailand (2026) and Yemen (2028).[73]

The situation in Afghanistan

The impact of the end of the 2001–21 Afghanistan War on the APM situation in the country has been mixed. First, no new deployments of APMs were reported in Afghanistan in 2021–22 for the first time since 2007, although the legacy of past use means that future casualty rates are likely to remain high.[74]

Second, mine clearance and other mitigation activities are being severely constrained by the freeze by Western governments on the provision of development assistance to the Taliban-led government. For example, the Afghan government agency that oversees mine clearance reportedly lost about US$3 million funding and laid off about 120 staff in April 2022.[75] Even before the Taliban takeover in August 2021, funding for mine action in Afghanistan had been decreasing steadily, falling from $113 million in 2011 to $32 million by 2020.[76]

Third, as noted above, the current Afghan government has continued to actively engage with the APM Convention, having requested and received permission to extend its clearance deadline for two years until March 2025. Meeting that deadline will, however, require the restoration of international funding.

[72] ICBL (note 56), pp. 2, 24–26.

[73] On the proceedings, documents and statements by states parties see APM Convention, '20th meeting of the states parties (20MSP)', 21–25 Nov. 2022. For details of each of the extension requests, additional information submitted by the state party, analysis and decisions see APM Convention, 20th meeting of the states parties, Draft final report, APLC/MSP.20/2022/CRP.1, 25 Nov. 2022, sections A–G.

[74] ICBL (note 56), p. 16.

[75] Greenfield, C. and Yawar, M. Y., 'How isolating the Afghan Taliban could mean more young landmine victims', Reuters, 7 July 2022.

[76] Gupta, K., 'In Afghanistan, landmines are making peace deadly', World Politics Review, 10 May 2022.

Small arms and light weapons

The 2001 UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects and the 2005 International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons are politically binding agreements that were negotiated on the basis of consensus under the auspices of the First Committee of the UN General Assembly.[77] These instruments outline steps that states should take at the international, regional and national levels to counter the illicit trade in and diversion of SALW. The UN Office for Disarmament Affairs (UNODA) administers the two instruments, and states voluntarily submit a report every two years that outlines how they implement both the POA and the ITI.[78] In addition, states meet at a biennial meeting of states (BMS) to 'consider' the implementation of both instruments and at a review conference every six years that allows for a more in-depth assessment of the progress made on implementation.

From 27 June to 1 July 2022, states gathered in New York for the eighth BMS. Exceptionally, BMS8 took place just one year after BMS7, which had been postponed because of the Covid-19 pandemic. The meeting was held in a fully in-person format that, in contrast to BMS7, allowed the physical participation of both state delegates and representatives of civil society.[79] The meeting was initially chaired by Ambassador Enrique Manalo of the Philippines. However, on the second day of the meeting it was announced that he was to be appointed as secretary of foreign affairs of the Philippines. As a result, the rest of the process was managed by the vice-chairs.[80]

Contentious issues at BMS8

At BMS8 states were able to adopt an outcome document by consensus although discussions showed that several issues remained contentious. These included in particular the expansion of the scope of the POA to include ammunition, the explicit recognition of synergies between the POA and other relevant international instruments, and the inclusion of gender-related language in the outcome document.

EU member states and a number of states from Africa, Latin America and the Caribbean, among others, continued to advocate in favour of including

[77] United Nations, General Assembly, Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects (POA), pp. 7–17 of A/CONF.192/15, 20 July 2001; and United Nations, General Assembly, International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (International Tracing Instrument, ITI), Decision 60/519, 8 Dec. 2005.

[78] UNODA, 'Programme of action on small arms and light weapons: National reports'.

[79] Davis and Maletta (note 7), p. 529.

[80] International Action Network on Small Arms (IANSA), 'BMS8 daily briefing day 2', 28 June 2022.

ammunition within the scope of the POA.[81] They faced opposition from, among others, the Arab Group of states, the United States and Russia, which argued against the consideration of issues on which there is no consensus within the POA. Some of these states argued that the topic could be discussed in other forums that they deemed to be more appropriate, including the open-ended working group (OEWG) on ammunition established by the UN General Assembly in 2021 (see below).[82] As a result, the outcome document simply 'took note' of the establishment of the OEWG. There was no meaningful development regarding the possibility of expanding the scope of the POA to ammunition.[83]

The recognition of synergies between the POA and the Arms Trade Treaty (ATT) continued to be firmly opposed by states that are not party to the ATT, such as Algeria, Cuba, Iran, Iraq and Venezuela.[84] Discussions at BMS8 did not register any progress in this specific area, but the outcome document still retained references to the linkages between the implementation of the POA and other relevant documents such as the 2030 Agenda for Sustainable Development and the Women and Peace and Security Agenda.[85]

Gender-related language in the outcome document referred, among other things, to the importance of women's participation in SALW-related decision-making processes and the role of illicit SALW in facilitating gender-based violence. Again, during relevant discussions at BMS8, some states raised concerns about discussing issues on which there is no clear consensus or that are 'unclear' in the context of the POA, which was interpreted as also referring to gender-related issues.[86] Gender-related language was eventually included; although in the closing statements that followed the adoption of the outcome document, Iran and Russia expressed their dissatisfaction with the decision to do so.[87]

Progress achieved at BMS8

The states at BMS8 still managed to achieve some limited progresses in expanding the scope of international cooperation and assistance and in

[81] European External Action Service, EU statement on the consideration of the implementation of the Programme of Action, Eighth POA Biennial meeting of states, 27 June 2022; IANSA, 'BMS8 daily briefing day 1', 27 June 2022; IANSA, 'BMS8 daily briefing day 4', 30 June 2022; and Control Arms, 'The eighth biennial meeting of states on the PoA', 27 July 2022.

[82] IANSA, 'BMS8 daily briefing day 1' (note 81); and IANSA, 'BMS8 daily briefing day 4' (note 81).

[83] Eighth POA biennial meeting of states, Report, A/CONF.192/BMS/2022/1, 12 July 2022, annex, para. 19.

[84] IANSA, 'BMS8 daily briefing day 1' (note 81).

[85] Eighth POA biennial meeting of states, A/CONF.192/BMS/2022/1 (note 83), annex, paras 9, 50, 51, 53, 54. See also UN General Assembly Resolution 70/1, 'Transforming our world: The 2030 Agenda for Sustainable Development', 5 Sep. 2015; and on the Women and Peace and Security Agenda see UN Women, 'Peace and Security'.

[86] IANSA, 'BMS8 daily briefing day 1' (note 81).

[87] Eighth POA biennial meeting of states, A/CONF.192/BMS/2022/1 (note 83), annex, paras 10, 74–79, IANSA, 'BMS8 daily briefing day 5', 1 July 2022.

addressing new developments in SALW manufacturing. Specifically, they decided to establish a fellowship training programme to strengthen expertise relevant to the implementation of the POA and the ITI, especially in countries in the Global South.[88]

Further—and following up on the outcome of BMS7 and a proposal tabled by Belgium at BMS8—states also agreed to discuss at the fourth review conference (scheduled for 2024) the establishment of an open-ended technical expert group on how to strengthen implementation of the POA and the ITI in the light of technological developments in SALW manufacturing.[89] Exchanges during BMS8 on this topic raised some concerns that these discussions could add pressure on states with limited financial and technical resources for POA implementation, as well as questions as to whether such technical issues should be discussed in a diplomatic forum.[90] States eventually agreed to include several references in the outcome document to the challenges and opportunities that technological advancements pose to SALW controls.

Overall, at BMS8 states took some limited steps to advance implementation of the POA and the ITI. The main challenge that states face in the run-up to the 2024 review conference will be to make all the necessary arrangements and preparations to facilitate constructive discussions around the establishment of the expert group on developments in SALW manufacturing. Other challenges—including the resistance to bringing ammunition within the scope of the POA and establishing linkages with the ATT—are likely to remain, especially as discussions are expected to become increasingly politicized in an international environment characterized by geopolitical competition. In the long run, these disagreements risk limiting the ability of the POA to promote a comprehensive approach to addressing diversion of and trafficking in SALW.[91] For this reason, like-minded states may be more likely to achieve progress in advancing some of these issues in other forums, as is currently being done in the case of ammunition.

The open-ended working group on conventional ammunition

On 24 December 2021 the UN General Assembly established an open-ended working group 'to elaborate a set of political commitments as a new global framework' to 'address existing gaps in through-life ammunition

[88] Eighth POA biennial meeting of states, A/CONF.192/BMS/2022/1 (note 83), annex, para. 83.

[89] Eighth POA biennial meeting of states, A/CONF.192/BMS/2022/1 (note 83), annex, paras 13, 67–75; and Eighth POA biennial meeting of states, 'Recent developments in the production, technology and design of small arms and light weapons (SALW)', Working paper submitted by Belgium, 27 June–1 July 2022. On relevant discussions at BMS7 see Davis and Maletta (note 7), pp. 528–31.

[90] IANSA, 'BMS8 daily briefing day 2' (note 80).

[91] Control Arms (note 81).

management'.[92] This followed the recommendations included in the final report of the group of governmental experts (GGE) that the General Assembly had established in 2020 to consider problems arising from the accumulation of surplus conventional ammunition stockpiles.[93] The GGE's report highlighted the need to adopt a more comprehensive approach to ammunition management in order to ensure the safety and security of stockpiles. It also identified a regulatory gap in this regard that the General Assembly mandated the OEWG to fill. The OEWG is to submit its recommendation on the establishment of such a regulatory framework in 2023, after three substantive sessions and a series of informal consultations.[94]

The first two substantive sessions of the OEWG took place in May and August 2022, in New York and Geneva respectively, under the chairmanship of Ambassador Albrecht von Wittke of Germany. Unlike the GGE, the sessions of the OEWG were open to participation by representatives of all UN member states, and they were also open to NGO representatives.[95] During the first substantive session, delegations had the opportunity to start exchanging views on national and regional approaches to ammunition management and the recommendations of the GGE.[96] The OEWG received briefings from representatives of expert organizations—including the UN Mine Action Service (UNMAS) and Conflict Armament Research, an NGO, among others—and heard statements from other international and regional organizations and NGOs.[97]

These discussions informed the development of a document outlining draft elements of a new global ammunition framework that the chair shared with delegations ahead of the second substantive session of the OEWG.[98] Following inputs received by the chair during and after this session, in November 2022 the chair prepared a 'zero draft' of the global framework that the OEWG was mandated to develop. The draft is to be discussed in the intersessional period leading to the third substantive session in February 2023.[99]

[92] UN General Assembly Resolution 76/233, 'Problems arising from the accumulation of conventional ammunition stockpiles in surplus', 30 Dec. 2021, para. 17.

[93] United Nations, General Assembly, Report of the group of governmental experts established pursuant to General Assembly Resolution 72/55 on problems arising from the accumulation of conventional ammunition stockpiles in surplus, A/76/324, 14 Sep. 2021.

[94] UN General Assembly Resolution 76/233 (note 92), paras 9–20.

[95] UNODA, 'Aide memoire for non-governmental organizations', 11 May 2022; and UNODA, 'Aide memoire for non-governmental organizations', 1 Aug. 2022.

[96] UNODA, 'OEWG on conventional ammunition holds its first substantive session', *Saving Lives Information Bulletin*, no. 8 (June 2022).

[97] UNODA (note 96).

[98] von Wittke, A., 'Chair's main takeaways from the United Nations open-ended working group on conventional ammunition first substantive session, 23–27 May 2022', 27 May 2022; and von Wittke, A., Letter from the chair, 1 Aug. 2022.

[99] von Wittke, A., Letter from the chair, 26 Aug. 2022; and von Wittke, A., Letter from the chair, 3 Nov. 2022.

Conclusions

The need for strong and effective humanitarian disarmament law has been underscored by Russia's invasion of Ukraine and the use there of cluster munitions, APMs and explosive weapons with wide-area effects in populated areas. These attacks have resulted in large numbers of civilian casualties, but they have also generated weighty international condemnation precisely because they involved weapons banned or restricted under humanitarian disarmament treaties and norms. Global norms on civilian protection undoubtedly contribute to minimizing civilian suffering, but more needs to be done to prevent and redress arms-related human and environmental harm in Ukraine and in other armed conflicts around the world.

Regrettably, humanitarian disarmament continued to register minimal progress in 2022. States adopted important new standards and commitments on the use of EWIPA and on the environment and armed conflict. They also agreed to discuss the impact of technological developments on SALW manufacturing and continued to acknowledge the gender-related impact of illicit SALW. But these standards and commitments will only be as effective as their interpretation and implementation. Generally, more comprehensive and inclusive approaches to humanitarian disarmament continue to be resisted by a vocal minority of states. Since it is unlikely that these divergent views will be reconciled in the foreseeable future, those seeking more ambitious results may well continue to pursue them outside the CCW, POA and ITI frameworks.