

10. Conventional arms control and the regulation of inhumane weapons

Overview

Multilateral efforts to ban or restrict the use of weapons deemed to be inhumane or that raise other humanitarian concerns take place in several forums (see section I). The main multilateral treaty for regulating inhumane weapons is the 1981 Certain Conventional Weapons (CCW) Convention, alongside the 1997 Anti-Personnel Mine Convention (APM Convention) and the 2008 Convention on Cluster Munitions (CCM). 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 repeatedly vetoed or stalled progress on strengthening the convention. In 2023 it was mainly the Russian Federation that blocked substantive progress.

Other categories of conventional weapon that raise humanitarian concerns are dealt with by other legal and political processes. For example, the use of explosive weapons in populated areas (EWIPA) is addressed by a single political declaration, adopted in 2022. The need to protect civilians from EWIPA and other inhumane weapons was underscored in 2023 by the Russia–Ukraine and Israel–Hamas wars. Clear and concerning misuse of explosive weapons and other violations of international humanitarian law can be identified in the conduct of both wars (see section II).

The United Nations' Independent International Commission of Inquiry on Ukraine concluded that Russian armed forces committed multiple indiscriminate and disproportionate attacks using EWIPA. The extensive use of cluster munitions in Ukraine by both Russian and Ukrainian forces, as well as new transfers of these weapons to Ukraine by the United States, overshadowed the completion of the destruction in 2023 of all stockpiled cluster munitions by CCM states parties. Most of the documented use of APMs in Ukraine was attributed to Russian forces, although allegations of limited use by Ukraine were under investigation. Russia is not a state party to the APM Convention but Ukraine is and, if confirmed, its use of APMs would be a major violation of the convention.

The attack by Hamas on 7 October broke numerous laws of war, while much of Israel's subsequent bombing and shelling of Gaza appeared to be indiscriminate or disproportionate. Senior UN officials have already concluded that war crimes had been committed by both sides, while a group of UN experts warned of the risk of genocide in Gaza.

Protection of civilians requires not just compliance with fundamental principles of targeting—distinction, proportionality and precaution—but also the application of limits on the types of weapon and ammunition that maybe employed in armed conflict. Yet, despite their widespread use in Ukraine and to a lesser extent in Gaza, conventionally armed missiles and uncrewed aerial vehicles (UAVs) are largely unregulated (see section III). Some confidence-building measures remain, either in the form of bilateral prelaunch notification agreements between nuclear-armed states or under the multilateral 2002 Hague Code of Conduct against Ballistic Missile Proliferation (HCOC). However, the work of the HCOC continued to be hampered by the reverberations of the war in Ukraine and the deepening geopolitical fault lines. With dwindling Russian participation in missile arms control, the prospects for future agreements remain slim.

Europe is the only region that had created an integrated conventional arms control architecture. However, from the turn of the century the post-cold war regime eroded to the point of collapse or irrelevance. It was effectively ended in 2023 with Russia's withdrawal from the 1990 Treaty on Conventional Armed Forces in Europe (CFE Treaty; see section IV). By the end of 2023, 19 of the 29 remaining state parties had officially notified the Netherlands as the depositary that they would suspend operation of the CFE Treaty. The treaty contributed significantly to the demilitarization of Europe after the end of the cold war and resulted in greater stability and mutual confidence through ceilings, inspections and exchanges of information among the state parties. Any new arms control regime will also need to address military technologies—such as long-range precision-strike weapons and uncrewed systems—that have become increasingly relevant for modern warfare and the conduct of surprise attacks.

In 2023 the establishment of a new Global Framework for Through-life Conventional Ammunition Management addressed one regulatory gap in this domain (see section V). The Global Framework is a voluntary set of political commitments for strengthening safe, secure and sustainable management of conventional ammunition. Beyond arms control, international security can also be improved by states acting to build mutual confidence through transparency about their armaments. This can be done by sharing information on arms procurement or military expenditure (see section VI). Participation in the UN transparency instruments on conventional arms and military expenditure increased substantially in 2023.

In a world in transition, new efforts are required to preserve multilateral conventional arms control achievements and spread norms that reduce the human cost of weapons. As outlined in the UN secretary-general's New Agenda for Peace, this will require states to move away from overly securitized and militarized approaches to peace, and towards arms control treaties framed around core principles of trust, solidarity and universality.