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

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Multilateral efforts to ban or restrict the use of weapons that cause unnecessary harm, are deemed to be inhumane or raise other humanitarian concerns take place in several forums. These include formal negotiating forums such as the Conference on Disarmament in Geneva and the United Nations General Assembly's First Committee in New York, as well as meetings associated with treaties such as the 1981 Certain Conventional Weapons (CCW) Convention, the 1997 Anti-Personnel Mine (APM) Convention and the 2008 Convention on Cluster Munitions (CCM). Several of the forums overlap. For example, APMs are prohibited under the APM Convention, while they are also regulated (but not banned) by Amended Protocol II of the CCW Convention, along with anti-vehicle mines, booby traps and improvised explosive devices (IEDs). IEDs are also discussed in the First Committee, including through the submission of resolutions for the General Assembly, while all types of explosive remnant of war (ERW)—including landmines, unexploded ordnance and abandoned explosive ordnance—are regulated by Protocol V of the CCW Convention. The 1949 Geneva Conventions and their two additional protocols of 1977, as well as rulings at international courts and developments by other international bodies are also relevant in restricting the use of certain weapons (as discussed in section II of this chapter in relation to the Russia–Ukraine and Israel–Hamas wars).[1]

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. In contrast, small arms and light weapons (SALW) are regulated by a series of regional and subregional treaties, the 2001 UN Firearms Protocol and by two politically binding agreements: the 2001 United Nations Programme of Action on SALW (POA) and the 2005 International Tracing Instrument (ITI).[2] SALW also fall within the

[1] For a summary and other details of the Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War and Additions Protocols I and II see annex A, section I, in this volume.

[2] Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, Supplementing the United Nations Convention against Transnational Organized Crime (UN Firearms Protocol), opened for signature 2 July 2001, entered into force 3 July 2005; 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, 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, adopted by the UN General Assembly 8 Dec. 2005, A/60/88, annex. On the regional and subregional treaties regulating SALW see annex A, section II, in this volume.

Table 10.1. Meetings of the Certain Conventional Weapons Convention in 2023

Dates	Meeting
6–10 Mar.	Group of governmental experts on lethal autonomous weapon systems
15–19 May	Group of governmental experts on lethal autonomous weapon systems
8 Nov.	Informal and open consultations on Protocol V
9–10 Nov.	Amended Protocol II group of experts
13 Nov.	17th annual conference of the parties to Protocol V
14 Nov.	25th annual conference of the parties to Amended Protocol II
15–17 Nov.	Meeting of the High Contracting Parties

Note: All meetings took place in Geneva.

scope of the 2013 Arms Trade Treaty (ATT).[3] There have been calls for further and tighter regulation of SALW, including ammunition (see section V).

Similarly, armed uncrewed aerial vehicles (UAVs, also referred to as drones), including loitering munitions, have been addressed to some extent in the UN General Assembly, the Missile Technology Control Regime (MTCR) and the ATT.[4] The UN secretary-general, António Guterres, also warned about the dangers of the misuse of armed UAVs in *A New Agenda for Peace*, published in July 2023 as part of preparations for the 2024 UN Summit of the Future.[5] However, there is no dedicated multilateral process on the regulation of armed UAVs, and (as discussed in sections II and III) thousands of armed UAVs were used in the Russia–Ukraine and Israel–Hamas wars in 2023.[6]

This section reviews the key developments and treaty negotiations that took place in 2023 in relation to weapons deemed to be inhumane and weapons that raise humanitarian concerns. It first looks, in turn, at developments within the CCW, Cluster Munition and APM conventions, and then discusses the follow-on work to the 2022 EWIPA Declaration.

The Certain Conventional Weapons Convention

As noted above, the CCW Convention seeks to regulate weapons that are considered to cause unnecessary or unjustifiable suffering to combatants or to affect civilians indiscriminately.[7] It is an umbrella treaty: agreements

[3] On developments related to the ATT in 2023 see chapter 12, section I, in this volume. For a summary and other details of the ATT see annex A, section I, in this volume.

[4] 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 III, in this volume.

[5] United Nations, *A New Agenda for Peace*, Our Common Agenda Policy Brief no. 9 (United Nations: New York, July 2023), p. 5.

[6] 'How are "kamikaze" drones being used by Russia and Ukraine?', BBC, 3 Jan. 2023. On international transfers of UAVs to the conflict parties see chapter 6, section I, in this volume.

[7] 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) see annex A, section I, in this volume.

on additional weapon types can be regulated through the adoption of new protocols. Its current protocols cover non-detectable fragments (Protocol I), mines, booby-traps and other devices (Protocol II and Amended Protocol II), incendiary weapons (Protocol III), laser weapons (Protocol IV) and ERW (Protocol V).

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 the convention.[8] As a consequence of this perpetual stalemate in the regime in recent years, regulatory progress in some areas has continued to be sought outside the CCW process. Most notably, in 2022 an Ireland-led process to address the use of EWIPA resulted in the adoption of a new political declaration on the issue (see below). The prominent intergovernmental efforts within the CCW regime to address the challenges posed by autonomous weapon systems (AWS) and artificial intelligence may similarly lead to a separate process.[9]

As of 31 December 2023, 127 states were party to the CCW Convention and at least two of its five protocols.[10] Singapore acceded to the CCW Convention and protocols I, III and IV in September 2023, the only new state party to join during the year. The parties held a total of seven CCW Convention-related meetings in 2023 (see table 10.1).

The annual Meeting of the High Contracting Parties in November 2023 once again demonstrated the weaknesses in the consensus process. It made no substantive progress and the delegation of a single state party—the Russian Federation—overrode the interests and priorities of most others, despite the urgency around many issues on the meeting's agenda.[11] On the issue of incendiary weapons, for example, many delegations expressed concerns about their effects or use, including in Lebanon, Gaza, Syria and Ukraine; they called for the final report to reflect these concerns and to reaffirm the importance of Protocol III.[12] However, as was the case in 2022, the final report did not include any language on incendiary weapons.[13]

[8] See e.g. the discussion on the 5th CCW Review Conference in Davis, I. et al., 'Humanitarian arms control regimes: Key developments in 2016', *SIPRI Yearbook 2017*, pp. 555–61; and on developments since then in the 2018–23 editions of the SIPRI Yearbook.

[9] On artificial intelligence and AWS see chapter 11, section I, in this volume.

[10] For lists of the states parties to the convention and its original, amended and additional protocols see annex A, section I, in this volume.

[11] Varella, L. and Acheson, R., 'CCW operates in the dark for lowest common denominator outcomes', *CCW Report*, 20 Nov. 2023. For documents and statements of the 2023 Meeting of Parties see UN Office for Disarmament Affairs (UNODA), 'Convention on Certain Conventional Weapons—Meeting of High Contracting Parties', UNODA Meetings Place, 2023.

[12] See e.g. Meeting of the CCW High Contracting Parties, 'Working paper on incendiary weapons', Submitted by Austria, Belgium, Costa Rica, Ireland, Mexico, New Zealand, Norway and Switzerland, CCW/MSP/2023/WP.2, 17 Nov. 2023.

[13] Varella and Acheson (note 11); and Meeting of the CCW High Contracting Parties, Final report, CCW/MSP/2023/7, 23 Nov. 2023.

Explosive remnants of war

ERW remain a legacy threat from armed conflict, posing a lasting hazard to civilians long after hostilities cease. The informal and open consultations on Protocol V held in November 2023 focused on victim assistance and technical assistance in clearance of ERW.[14] The 17th annual conference of the parties to Protocol V also focused on those issues, as well as national reporting and the goal of universalization of the protocol.[15] A working paper submitted by Ukraine set out the challenges of ERW contamination from the war with Russia.[16]

The United Kingdom announced in November 2023 that it intends to ratify Protocol V—the last of the five permanent members of the UN Security Council to do so.[17]

Improvised explosive devices

At its meeting in November 2023, the group of experts of Amended Protocol II continued its discussion of IEDs. Its focus remained on voluntary exchange of information on the threat from IEDs and new types of device, as well as best practices regarding national and multilateral measures for identification, humanitarian clearance and civilian protection.[18]

According to evidence submitted by Action on Armed Violence (AOAV), over the decade 2013–22 there were 11 099 IED attacks that caused 114 478 civilian casualties in 93 countries.[19] Of the 100 most injurious IED attacks over that decade, the Islamic State group and its affiliates were responsible for 44, across 14 countries, resulting in 10 740 civilian casualties.

Both Russia and Ukraine submitted working papers to the 25th annual conference of the parties to Amended Protocol II setting out alleged violations of the protocol by the other side.[20] However, the final document from

[14] 17th CCW Protocol V Annual Conference, Report on the informal open consultations on Protocol V, CCW/P.V/CONF/2023/2, 9 Nov. 2023.

[15] 17th CCW Protocol V Annual Conference, Final document, CCW/P.V/CONF/2023/5, 23 Nov. 2023.

[16] 17th CCW Protocol V Annual Conference, 'Ukraine's implementation of Protocol V on Explosive Remnants of War to the CCW', Submitted by Ukraine, CCW/P.V/CONF/2023/WP.3, 15 Nov. 2023.

[17] Meeting of the CCW High Contracting Parties, Statement by the United Kingdom, 15 Nov. 2023.

[18] 25th CCW Amended Protocol II Annual Conference, Report on improvised explosive devices, CCW/AP.II/CONF.25/2, 13 Nov. 2023.

[19] Torelli, C. and Overton, I., 'A decade of mass civilian casualty events from improvised explosive devices (IEDs): Themes, patterns and outcomes examined', Evidence to CCW Amended Protocol II Group of Experts, Action on Armed Violence, 9 Nov. 2023. See also the full report, Overton, I. and Torelli, C., *A Decade of Mass Civilian Casualty Events from Improvised Explosive Devices (IEDs): Themes, Patterns and Outcomes Examined* (Action on Armed Violence: London, 2023).

[20] 25th CCW Amended Protocol II Annual Conference, 'Situation with regard to compliance with the norms and principles of international humanitarian law during the special military operation in Ukraine', Submitted by Russia, CCW/AP.II/CONF.25/WP.2, 17 Nov. 2022; and 25th CCW Amended Protocol II Annual Conference, 'Ukraine's implementation of Amended Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices to the CCW in the situation of Russia's armed aggression', Submitted by Ukraine, CCW/AP.II/CONF.25/WP.1, 15 Nov. 2023.

the meeting remained focused on the goal of universalization of the protocol, procedural matters and the work of the expert group in facilitating information exchange.[21]

The Convention on Cluster Munitions

The humanitarian consequences of cluster munitions—which scatter submunitions over a wide area, not all of which immediately detonate—and the harm that they cause to civilians are addressed by the 2008 Convention on Cluster Munitions.[22] 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 2023, the CCM had 112 parties and 12 signatory states, among which are former major producers and users of cluster munitions as well as affected states. Two new states joined in 2023: Nigeria and South Sudan. In December 2023, 148 UN member states voted to adopt the ninth General Assembly resolution supporting the CCM, with 1 vote against (Russia).[23]

Use and production

Ukraine was the only country in the world where cluster munitions were used extensively in 2022–23, principally by Russia but also by Ukraine (see section II), although new use was also recorded in Myanmar and Syria.[24] None of these four countries is party to the CCM. 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 by 10 non-signatory states: Armenia and Azerbaijan in 2020; Libya in 2011, 2015 and 2019; Myanmar in 2022–23; Russia in 2014–15 and 2022–23; Saudi Arabia in 2015–17; Sudan in 2012–15; Syria in 2012–23; Thailand in 2011; and Ukraine in 2014–15 and 2022–23.[25]

[21] 25th CCW Amended Protocol II Annual Conference, Final document, CCW/AP.II/CONF.25/5, 23 Nov. 2023.

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

[23] UN General Assembly Resolution 78/32, 'Implementation of the Convention on Cluster Munitions', 4 Dec. 2023; and UN Digital Library, 'Implementation of the Convention on Cluster Munitions: Resolution adopted by the General Assembly', 2023.

[24] Cluster Munition Coalition (CMC), *Cluster Munition Monitor 2023* (International Campaign to Ban Landmines–CMC: Geneva, Aug. 2023), pp. 13–17; and Human Rights Watch, 'Northwest Syria: Government uses cluster munitions', 5 Nov. 2023. *Cluster Munition Monitor 2023* focuses on the calendar year 2022 with information included up to Aug. 2023 where possible.

[25] Cluster Munition Coalition (note 24), p. 13.

The Cluster Munition Coalition lists 16 states that have produced cluster munitions and have yet to commit to never doing so again: Brazil, China, Egypt, Greece, India, Iran, Israel, North Korea, South Korea, Pakistan, Poland, Romania, Russia, Singapore, Türkiye and the United States.[26] None of them is party to the CCM. Russia has continued to produce new cluster munitions and its armed forces used at least two newly developed types in Ukraine in 2022–23.[27] A lack of transparency means that it is unclear whether any of the other 15 listed states were actively producing cluster munitions in 2022–23. Although the last private US manufacturer of cluster munitions ended its production in 2016, the US government is reported to be developing and producing replacement weapon systems. These include, notably, the Cannon-Delivered Area Effects Munitions (C-DAEM) and the Alternative Warhead variant for the Guided Multiple Launch Rocket System (GMLRS AW), which may still fall under the definition of cluster munitions prohibited by the convention.[28] The USA also announced in July 2023 that it would transfer an unspecified quantity of stockpiled cluster munitions to Ukraine (see section II).

Cluster munition clearance and stockpile destruction

Stockpile destruction is one of the CCM's major successes, and in 2023 the four remaining states parties (of the 43 in total) that had declared possession of cluster munitions confirmed that all their stocks had been destroyed. Bulgaria destroyed the last of its stockpiled cluster munitions at the end of June 2023 and Slovakia did so by September 2023.[29] South Africa announced the completion of its cluster munitions stockpile destruction process on 7 September.[30] Peru was the last state party to complete its destruction obligation, on 15 December. The four countries destroyed a combined total of 11 594 cluster munitions and 747 839 submunitions.[31] All 1.5 million cluster munitions containing 179 million submunitions declared as stockpiled by CCM states parties had thus been destroyed by the end of 2023.[32]

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 25 UN member states and 3 other states or areas remain contaminated

[26] Cluster Munition Coalition (note 24), p. 18.
[27] Cluster Munition Coalition (note 24), p. 18.
[28] Cluster Munition Coalition (note 24), pp. 18–19.
[29] 11th CCM Meeting of States Parties, Statement by Bulgaria, 12 Sep. 2023; and 11th CCM Meeting of States Parties, Slovakia, 12 Sep. 2023.
[30] 11th CCM Meeting of States Parties, Final report, CCM/MSP/2023/11, 29 Sep. 2023, para. 25.
[31] Human Rights Watch, 'Cluster munitions: Peru destroys stockpiled weapons', 18 Dec. 2023.
[32] Cluster Munition Coalition (note 24), pp. 23–29; and Human Rights Watch (note 31).

by cluster munitions.[33] On 31 August 2023 Bosnia and Herzegovina became the 13th country (and 11th state party) to declare its territory cleared of cluster munition remnants.[34]

The 11th Meeting of States Parties

The 11th Meeting of States Parties to the CCM, held in Geneva on 11–14 September 2023, was the second 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.[35]

The meeting reviewed progress in implementing the Lausanne Action Plan and expressed 'grave concern' over the use of cluster munitions in Ukraine.[36] It also granted extensions to Iraq (until 2028) and Mauritania (until 2026) for completing the clearance and destruction of cluster munition remnants as required by Article 4 of the CCM.[37]

The Anti-Personnel Mine Convention

APMs are mines that detonate on human contact; they are prohibited under the 1997 APM Convention.[38] As of 31 December 2023 there were 164 states parties to the convention; no new accession has taken place since 2017. For the first time, in 2022–23 there was open discussion in some states parties (notably Eritrea, Estonia, Finland, Latvia and Lithuania) on withdrawing from the convention.[39] In the four European countries, the debates centred

[33] Of the 25, 9 are CCM states parties (Afghanistan, Chad, Chile, Germany, Iraq, Laos, Lebanon, Mauritania and Somalia), 2 are signatory states (Angola and the Democratic Republic of the Congo, DRC), and 14 are non-signatory states (Armenia, Azerbaijan, Cambodia, Georgia, Iran, Libya, Serbia, South Sudan, Sudan, Syria, Tajikistan, Ukraine, Viet Nam and Yemen). The 3 other non-UN member states or areas are Kosovo, Nagorno-Karabakh and Western Sahara. Cluster Munition Coalition (note 24), pp. 42–43, 49–57. See also Mine Action Review, *Clearing Cluster Munition Remnants 2023* (Norwegian People's Aid: Oslo, 1 Aug. 2023).

[34] Bosnia and Herzegovina, CCM Article 4 Declaration of Compliance, 31 Aug. 2023; and Mine Action Review (note 33), p. 7.

[35] 2nd CCM Review Conference, Final report, CCM/CONF/2021/6, 6 Oct. 2021, annex II, 'Lausanne Action Plan'. See also Davis and Maletta (note 4), pp. 522–23.

[36] 11th Meeting of CCM States Parties, CCM/MSP/2023/11 (note 30), para. 21; and 11th Meeting of CCM States Parties, 'Monitoring progress in implementing the Lausanne Action Plan', CCM/MSP/2023/8, 17 July 2023.

[37] 11th Meeting of CCM States Parties, CCM/MSP/2023/11 (note 30), paras 29, 34.

[38] 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.

[39] International Campaign to Ban Landmines (ICBL), *Landmine Monitor 2023* (ICBL–Cluster Munition Coalition: Geneva, Nov. 2023), p. 22. *Landmine Monitor 2023* focuses on the calendar year 2022 with information included up to Oct. 2023 where possible.

on the perceived threat from Russia.[40] In the case of Eritrea, it may have been motivated by its non-compliance with the convention for several years. However, none of the states withdrew from the convention, thereby paradoxically strengthening the norm. Indeed, Eritrea returned to convention meetings after many years of absence and asked for a formal extension of its deadlines after ignoring previous deadlines (see below).

Use and production of anti-personnel mines in 2022–23

In 2022, the most recent year for which comparative data is available, 4710 people were killed or injured by APMs and ERW in 51 countries and areas—the seventh successive year of high casualties. Of the casualties whose status was known, 85 per cent were civilians. The two states with the most casualties in 2022 were Syria (834) and Ukraine (608).[41]

The deployment of new APMs by states is now extremely rare. According to the International Campaign to Ban Landmines (ICBL), only three states—Myanmar, Russia (neither a party to the APM Convention) and Ukraine—used APMs in the period 2022 to mid 2023. Russia has used at least 13 types of APM in multiple areas across Ukraine since its full-scale invasion on 24 February 2022, while Ukrainian authorities are investigating the circumstances of its forces using APMs in and around Izyum, Kharkiv oblast, in 2022 when the city was under Russian control (as discussed in section II). Myanmar has deployed APMs every year since at least 1999, when the ICBL first began reporting, and a significant increase in new mine use was estimated following the military coup of February 2021.[42]

More than 50 states have produced APMs in the past, but the ICBL identifies only 12 as possible current producers (1 more than in 2022 following the addition of Armenia). Of these, five are the most likely to be active producers: India, Iran, Myanmar, Pakistan and Russia.[43] The United States announced a new policy on APMs in June 2022, effectively banning their production, acquisition and transfer.[44]

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 improvised landmines (also known as victim-activated IEDs), by non-state armed

[40] Vanttinen, P., 'Growing calls for Finland to withdraw from Ottawa Mine Ban Treaty', Euractiv, 4 Mar. 2022; 'Defense ministry: Anti-personnel landmines would hinder NATO allies', ERR, 15 Nov. 2022; 'Riigikogu rejects bill allowing rearmament of anti-personnel mines', ERR, 12 Jan. 2023; and 'Latvian Army opposes possible withdrawal from Ottawa Convention', LSM, 22 Jan. 2024.

[41] International Campaign to Ban Landmines (note 39), pp. 2, 52–56.

[42] International Campaign to Ban Landmines (note 39), pp. 1, 8–17.

[43] International Campaign to Ban Landmines (note 39), pp. 2, 23–25. The other 7 listed producers are Armenia, China, Cuba, North Korea, South Korea, Singapore and Viet Nam.

[44] See Davis, I. and Maletta, G., 'Multilateral regulation of inhumane weapons and other conventional weapons of humanitarian concern', *SIPRI Yearbook 2023*, p. 456.

groups in conflicts is a growing problem.[45] APMs were used by such groups in at least five states between mid 2022 and October 2023: Colombia, India, Myanmar, Thailand and Tunisia. Additionally, new small-scale use was attributed to Islamist non-state armed groups in the Democratic Republic of the Congo (DRC) and in seven countries in or bordering the Sahel region of Africa.[46]

Anti-personnel mine clearance and stockpile destruction

An estimated 219 square kilometres of land were cleared of APMs in 2022 (compared to an average of 145 km2 in the previous three years) and over 169 000 APMs were destroyed (compared to an average of 125 000 in the previous three years).[47] Cambodia cleared the most land during 2022 (88.5 km^2), followed by Croatia (40.2 km^2). Türkiye cleared and destroyed the most landmines (APMs and improvised mines) in 2022, with 58 078 cleared from 1.3 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.[48] Twenty-two non-states parties and five other areas were estimated to have land contaminated by APMs on their territory, but the extent of the contamination is less clear.[49] One of those areas is Nagorno-Karabakh, where at least 1 million mines are estimated to be contaminating land regained by Azerbaijan in 2020.[50]

Collectively, states parties have destroyed more than 55 million stockpiled APMs since the convention entered into force.[51] Only two states parties have remaining stockpile-destruction obligations: Greece (0.3 million) and Ukraine (3.3 million). Both are in violation of the treaty for missing their destruction deadlines. In April 2023 Ukraine reported that its stockpiled APMs 'will be destroyed in accordance with the commitments made after

[45] E.g. Anfinson, A. and Al-Dayel, N., 'Landmines and improvised explosive devices: The lingering terror of the Islamic State', *Studies in Conflict & Terrorism*, vol. 46, no. 2 (2023). See also 21st Meeting of the APM Convention States Parties, 'Anti-personnel mines of an improvised nature and the Anti-Personnel Mine Ban Convention', Submitted by the president, APLC/MSP.21/2023/5, 15 Nov. 2023.

[46] International Campaign to Ban Landmines (note 39), pp. 1, 17–21. The 7 Sahel countries are Algeria, Benin, Burkina Faso, Mali, Niger, Nigeria and Togo. See also Bajon, T., 'Proliferation and use of improvised explosive devices in West Africa: A sub-regional approach to the intensity of proliferation and the nature of use', *Journal of Intelligence, Conflict, and Warfare*, vol. 5, no. 3 (2023). On the conflicts in the Sahel and the DRC see chapter 2, sections I and III, in this volume.

[47] International Campaign to Ban Landmines (note 39), pp. 56–61. See also Mine Action Review, *Clearing the Mines 2023* (Norwegian People's Aid: Oslo, 6 Nov. 2023).

[48] International Campaign to Ban Landmines (note 39), pp. 36–45; and Mines Action Review (note 47), p. 1.

[49] International Campaign to Ban Landmines (note 39), pp. 50–52. On the extent of APM contamination in non-signatory states see Mines Action Review (note 47), pp. 408–565.

[50] Shiriyev, Z., 'Defusing Azerbaijan's landmine challenge', International Crisis Group, 31 May 2023.

[51] International Campaign to Ban Landmines (note 39), p. 2.

the cessation of hostilities and the restoration of the territorial integrity of Ukraine within its internationally recognized borders'.[52] In June 2023 it conveyed to the APM Convention intersessional meetings in Geneva that it needed time to audit and conduct verification of the stockpile, which is impeded by some of the mines being in warehouses in occupied territory.[53] 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. Except for Ukraine, the largest stockpilers are non-signatories: Russia (26.5 million), Pakistan (6 million), India (4–5 million), China (5 million) and the USA (3 million).[54]

Total global funding for mine action—including demining, stockpile destruction, education and victim assistance—rose to $914 million in 2022, 52 per cent more than in 2021, largely because the two largest donors, the USA and the European Union, significantly increased their donations.[55] Of the total allocated to mine action during the reporting period, 18 per cent ($162 million) went to mine action activities in Ukraine. Funding allocated to victim assistance increased by 47 per cent to $38 million compared to 2021, but still represented less than 5 per cent of total mine action funding.

The 21st Meeting of the States Parties

The 21st Meeting of the States Parties to the APM Convention, which took place on 20–24 November 2023 in Geneva, granted extensions to mine-clearance obligations under Article 5 to Eritrea (until 31 December 2024) and Ukraine (1 December 2033).[56] Ukraine's case was extensively discussed, as there were different opinions, especially as to whether to grant a 5- or a 10-year extension. Eventually, a 10-year extension was granted, with the outlining of a timeline of intermediary deadlines to report back to the other states parties.[57]

States parties also discussed cross-cutting issues, such as improvised landmines falling within the scope of the APM Convention, mainstreaming environmental considerations in the implementation of the convention, and gender-related aspects. A new action plan on implementation of the convention will be drafted at the fifth Review Conference of the APM Convention, to be held in Cambodia in 2024.

[52] Ukrainian Permanent Mission in Geneva, APM Convention Article 7 report, 25 Apr. 2023. See also International Campaign to Ban Landmines (note 39), p. 27.

[53] International Campaign to Ban Landmines (note 39), p. 27.

[54] International Campaign to Ban Landmines (note 39), pp. 26–28.

[55] International Campaign to Ban Landmines (note 39), pp. 4, 85–103.

[56] On the proceedings, documents and statements by states parties see APM Convention, '21st Meeting of the States Parties (21MSP)', 20–24 Nov. 2023. On the deadline extensions see 21st Meeting of the APM Convention States Parties, Final report, APLC/MSP.21/2023/18, 23 Nov. 2023, paras 14, 44–48.

[57] 21st Meeting of the APM Convention States Parties, APLC/MSP.21/2023/18 (note 56), para. 46.

The Political Declaration on the Use of Explosive Weapons in Populated Areas

The use of explosive weapons continued to be widespread in 2023 and had severe and devastating consequences for individual civilians and communities around the world. The Explosive Weapons Monitor reported at least 34 263 civilian casualties in 2023 in 62 countries and territories around the globe.[58] This was a 65 per cent increase in global harm to civilians caused by explosive violence compared to 2022 (20 793 civilian casualties), and the second consecutive yearly increase (up from 11 343 civilian casualties in 2021). The increase in 2023 was due in large part to the Russia–Ukraine war (see section II), the Israel–Hamas war—indeed, about 39 per cent of all civilian casualties recorded by the Explosive Weapons Monitor occurred in the Occupied Palestinian Territories (also see section II)—the intrastate wars in Myanmar and Sudan, and the escalations of the armed conflicts in Somalia and Syria, as well as increased use of EWIPA across these contexts.[59]

The humanitarian consequences of the use of EWIPA are recognized by the Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated Areas (EWIPA Declaration), which was adopted in 2022 by 83 states.[60] The declaration provides a framework for civil society, international organizations and other stakeholders to work together to promote stronger standards for the protection of civilians and to avoid bombing and shelling in urban and other populated areas. The recognition of the broad scope and gravity of the indirect (reverberating) effects of EWIPA is one of the most important innovations of the EWIPA Declaration.

Despite the achievements of the political declaration, little practical progress was made in 2023. In *A New Agenda for Peace*, the UN secretary-general calls on all states to strengthen the protection of civilians in populated areas in conflict zones, including by taking combat 'out of urban areas altogether' and by implementing the EWIPA Declaration.[61] Similarly, at the First Committee of the UN General Assembly, several states publicly acknowledged the severe harm to individuals and communities from the use of EWIPA, called for action to address it and encouraged other states to endorse the EWIPA

[58] Explosive Weapons Monitor, Monthly update, Dec. 2023.

[59] Explosive Weapons Monitor (note 58). On these conflicts see chapter 2, sections I and III, in this volume.

[60] 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. On the discussions leading up to the agreement 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; Davis and Maletta (note 4), pp. 518–20; and Davis and Maletta (note 44), pp. 447–50.

[61] United Nations (note 5), p. 22.

Declaration.[62] Similar calls were made at the Meeting of the High Contracting Parties to the CCW Convention, especially in relation to the use of EWIPA in Gaza and Ukraine.[63]

Conclusions

Recent analysis suggests that the negotiations in the 1970s to establish the CCW Convention were managed by some of the more powerful states to produce a weak institution, with no verification or enforcement mechanisms.[64] Partly as a result of these weaknesses, over recent decades tensions have grown 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 APMs and cluster munitions through treaties outside the CCW framework, and more recently to the EWIPA Declaration. However, even these stronger conventions appear vulnerable to the exigencies of war if Ukraine and perhaps other states are inclined to re-start APM use.

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 *A 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.

[62] Young, K., 'Explosive weapons in populated areas', *First Committee Monitor*, 14 Oct. 2023, pp. 20–21; and Young, K., 'Explosive weapons in populated areas', *First Committee Monitor*, 7 Oct. 2023, pp. 19–20.

[63] Varella and Acheson (note 11).

[64] Mantilla, G., 'Deflective cooperation: Social pressure and forum management in cold war conventional arms control', *International Organization*, vol. 77, no. 3 (summer 2023). See also Sims, N., 'The prohibition of inhumane and indiscriminate weapons', *SIPRI Yearbook 1981*, pp. 452–53.