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European Union Statement on Cluster Munitions

- EU Statement - Twelve [sic] Meeting of States Parties to the Convention on Cluster Munitions, 13 September 2024,
<https://www.eeas.europa.eu/delegations/un-geneva/eu-statement-twelve-meeting-states-parties-convention-cluster-munitions_en>

In the framework of the Twelve [sic] Meeting of the States Parties to the Convention on Cluster Munitions (CCM), the EU made a statement concerning its position on the implementation of the CCM.² The view expressed was that of the EU itself and it was specified that some countries participating in the Stabilisation and Association Process, e.g. North Macedonia, Montenegro, Albania, the Republic of Moldova and Georgia, aligned themselves with the statement.

The EU considers the Convention very important since it “substantially contributes to end the suffering of civilians affected by cluster munitions and to advancing the Sustainable Development Goals as well as the core objectives of human security, promoting peace and international security.”³

According to its Statement, the EU reaffirms its commitment to protecting civilians⁴ from the impacts of explosive remnants of war, particularly cluster munitions. Such commitment aligns with international humanitarian law (IHL) and aims to mitigate harm. The CCM and its principles are deemed as an important humanitarian instrument in the current geopolitical context.

Recent achievements, such as South Africa and Peru completing their obligations under Article 3 CCM regarding storage and stockpile destruction, mark progress, enhancing global peace and security. Such achievement constitutes an example on how the CCM can contribute to the implementation of IHL.

The extent of cluster munition contamination varies across affected states, with the EU supporting clearance efforts in countries like Afghanistan, Chad, Chile, Germany, Iraq, Lao PDR, and Lebanon.

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² About the CCM, see Nystuen, Gro, and Stuart Casey-Maslen, *The Convention on Cluster Munitions: A Commentary*. Oxford: Oxford University Press, 2015.

³ Statement, p. 1.

⁴ On this issue, see Docherty, Bonnie Lynn, and Human Rights Watch (Organization), *Meeting the Challenge: Protecting Civilians through the Convention on Cluster Munitions*. New York, NY: Human Rights Watch, 2010.

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In the EU's view, a successful strategy is that designed by the Country Coalition Concept,⁵ that allows tailored assistance to the specific needs and challenges faced by any affected State. In the view of the EU, victim assistance is as a shared responsibility, integrating human rights and focusing on non-discriminatory, gender-sensitive policies. Furthermore, engaging youth in humanitarian disarmament is vital; the EU supports initiatives like a youth contest on the impact of cluster munitions. Gender mainstreaming in the Convention's implementation is also crucial.

One of the key points of the EU vision is the need to seek synergies in the implementation of the CCM. It is strictly intertwined with the Convention on the Rights of Persons with Disabilities (CRPD) and other relevant disarmament instruments, such as the Anti-Personnel Mine Ban Convention and the Convention on Conventional Weapons (CCW) Protocol V and it is crucial to take into account all such instruments together to better ensure victim assistance, clearance, and survey.

The EU also expresses concern over the ongoing use of cluster munitions in conflicts, resulting in significant civilian casualties and an increasing number of victims, particularly among children. Furthermore, they leave communities contaminated with remnants of war, having devastating effects that persist long after conflicts have ended, creating enduring challenges for the affected regions.⁶ As such, the EU calls upon all actors to refrain from the use of cluster munitions and to fully comply with IHL.

It condemns Russia's aggression against Ukraine and pledges continued support for humanitarian efforts. Since "credible reports" show that cluster munitions have been used in Ukraine, the EU condemns Russia's continued air and missile attacks against Ukraine's civilians and civilian infrastructure, including the targeting of schools, medical facilities, and of the energy sector.

In line with its Global Strategy,⁷ the EU welcomes all forms of cooperation partners from across the sector including United Nations entities, the International Committee of the Red Cross (ICRC), States Parties, mine action operators and civil society to ensure effective implementation of the CCM.

In conclusion, the EU appreciates such collaboration and advocates for continued support, despite financial challenges faced by the Convention.

Conventional Weapons

- EU Statement – UN General Assembly 1st Committee: Conventional Weapons, 23 October 2024,
<https://www.eeas.europa.eu/delegations/un-new-york/eu-statement-%E2%80%93-un-general-assembly-1st-committee-conventional-weapons-0_en>

In the framework of the UN General Assembly 1st Committee: Conventional Weapons, the EU made a statement reflecting its position. Several countries participating in the Stabilisation and Association

⁵ Country Coalitions to promote the implementation of the Convention on Cluster Munitions (CCM) <<https://www.clusterconvention.org/wp-content/uploads/2022/09/Country-coalition-brochure-formated-booklet-FINAL-version-TO-PRINT.pdf>>.

⁶ In the Statement it is reported that "Cluster Munitions Monitor recorded a global total of 24,502 cluster munitions casualties – people killed and injured – by the end of 2023. This figure encompasses casualties from both direct cluster munitions attacks (5,767) and unexploded cluster munition remnants (18,734). Particularly alarming is the overwhelming impact of cluster munitions on children, who accounted for nearly half of casualties recorded in 2023."

⁷ European External Action Service (2016), *Shared Vision, Common Action: A Stronger Europe - A Global Strategy for the European Union's Foreign and Security Policy*. <<https://www.coe-civ.eu/kh/a-global-strategy-for-the-european-unions-foreign-and-security-policy>>.

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Process, i.e. North Macedonia, Montenegro, Albania, Ukraine, the Republic of Moldova, Bosnia and Herzegovina, aligned with the statement, as well as Monaco and San Marino.

The EU reiterated its commitment to the “humanitarian imperatives” related to conventional weapons, to the rule of law, IHL and the protection of civilians, recalling that the arms control, non-proliferation and disarmament architecture is under strain and IHL and human rights law are also regularly disrespected.

The main concern of the EU is compliance with obligations under international law, including IHL, in all circumstances and, in particular, the protection of civilian lives.⁸ It calls upon for urgent full, rapid, safe and unhindered access to humanitarian aid at scale for Palestinians in need, and of allowing and facilitating humanitarian workers to operate effectively inside Gaza.

It deplores the number of civilian casualties, especially children, and recalls that an enduring ceasefire is urgently needed, as well as the unconditional and immediate release of all hostages.

In addition, the EU supports the initiatives of the International Criminal Court to ensure accountability for the most serious international crimes and stresses the need for independent investigations of violations of IHL on all sides.

In the view of the EU there can be no impunity for war crimes, crimes against humanity and the crime of genocide.

The EU recalls that the CCW and its Protocols are an “essential and integral part of International Humanitarian Law and reiterates the commitment of the EU and its Member States to respect and comply fully with IHL”⁹, in line with the EU Guidelines on the promotion of compliance with IHL.¹⁰

Furthermore, it calls upon the ratification of the CCW and its Protocols and also mentions its support for the universal ban on anti-personnel mines.¹¹ In this regard, the EU expresses concern for the ongoing use of anti-personnel mines and improvised anti-personnel mines in the framework of the Russian-Ukrainian armed conflict, that makes Ukraine the most mine-contaminated country in the world.¹²

It also mentions the challenges presented by AI in the military domain, stressing the substantial contribution made to the common understanding of this complex topic by the work of the Group of Governmental Experts on emerging technologies in the area of lethal autonomous weapons systems (LAWS).¹³ The EU underlines that the CCW is the relevant international forum in this regard and thus it is expected to deliver results. The EU stresses that appropriate levels of human control must be retained over LAWS and that human beings remain accountable for decisions over the use of force

⁸ *Inter alia*, the EU “condemns in the strongest possible terms Hamas and its brutal and indiscriminate terrorist attacks across Israel and calls for the immediate release of all hostages without precondition. The EU expresses its full solidarity and support to Israel and its people and reaffirms its full commitment to its security and to regional stability.” Statement, p. 1.

⁹ Statement, quoted above.

¹⁰ EU Guidelines on Promoting Compliance with International Humanitarian Law (IHL), <https://www.eeas.europa.eu/sites/default/files/04_hr_guidelines_humanitarian_en_0.pdf>.

¹¹ It is reported that the EU and its Member States have a long history of support for mine action. In 2023, the assistance amounted to 56 million EUR for 20 mine-affected countries. New contaminations in countries such as Iraq, Libya, Syria, Yemen, Myanmar as well as in the Sahel are considered as a source of concern. The EU calls on all actors, whether States or non-State actors, to refrain from the production, stockpiling, trade and transfer of anti-personnel mines and strongly condemns their use. *Ibid.*

¹² *Ibid.*

¹³ <<https://meetings.unoda.org/ccw-/convention-on-certain-conventional-weapons-group-of-governmental-experts-on-lethal-autonomous-weapons-systems-2024>>.

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in order to ensure compliance with international law, in particular IHL, supporting the so called “two-tier” approach¹⁴ as regards them.

The EU reaffirms also its commitment to preventing and curbing the illicit trade in small arms and light weapons (SALW), in line with its 2018 Strategy on illicit firearms, SALW and their ammunition: “Securing arms, protecting citizens”.¹⁵

Another topic of concern is that of improvised explosive devices (IEDs), their continued indiscriminate use and effects, in particular in the perpetration of terrorist acts, and the use of IEDs by non-state actors.

Equally, the EU is concerned for the use of other similar weapons, such as mines other than anti-personnel mines (MOTAPM) or explosive weapons.

The indiscriminate and disproportionate use of MOTAPM¹⁶ have an adverse humanitarian impact and cause heavy consequences on social and economic development. In fact, even if are legitimate weapons, they should be used in accordance with IHL, taking all feasible precautions to protect civilians from their effects.

Furthermore, the EU endorses the adoption of the Ireland-led Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences arising from the use of Explosive Weapons in Populated Areas (EWIPA), to reduce harm and strengthen the protection of civilians during armed conflict.

The EU and its Member States also reaffirm their strong support for the Arms Trade Treaty (ATT),¹⁷ which regulates the international trade in conventional arms through common international standards. Preventing and eradicating the illicit trade in these weapons and preventing their diversion is central to the protection of civilians during armed conflict. These arms or items could be used in the commission of genocide, crimes against humanity, or war crimes. In particular, the EU is concerned about transfers to Russia, including of parts and components, having an arms embargo in place against Russia.¹⁸

Also in the framework of this statement the EU stresses its concern for the impact on civilian populations of the indiscriminate use of cluster munitions and the devastating impacts of explosive remnants of war.

¹⁴ A two-tiered approach to regulating autonomous weapons systems (AWS), or “killer robots”, involves prohibiting certain types of AWS while regulating others. See Laura Bruun, *Towards a Two-Tiered Approach to Regulation of Autonomous Weapon Systems Identifying Pathways and Possible Elements*, SIPRI, 2024, <<https://www.sipri.org/sites/default/files/2024-08/laws.pdf>>.

¹⁵ <<https://www.consilium.europa.eu/en/press/press-releases/2018/11/19/securing-arms-protecting-citizens-council-adopts-new-eu-strategy-against-illicit-firearms-small-arms-and-light-weapons-and-their-ammunition/>>.

¹⁶ <<https://digitallibrary.un.org/record/485458?v=pdf>>.

¹⁷ <<https://thearmstradetreaty.org/>>.

¹⁸ Issuing export licenses for military equipment remain a national competence of EU Member States, which are all States Parties to the ATT.

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Specially Protected Persons under International Humanitarian Law

- EU Statement – UN Security Council Arria-formula Meeting: Persons with disabilities in armed conflict, 6 December 2024,
<https://www.eeas.europa.eu/delegations/un-new-york/eu-statement-%E2%80%93-un-security-council-arria-formula-meeting-persons-disabilities-armed-conflict_en>

A Statement on Persons with disabilities in armed conflict was made by H.E. Ambassador Hedda Samson, Deputy Head of Delegation and Chargée d’Affaires, European Union Delegation to the United Nations, at the UN Security Council Arria Formula Meeting on “Persons with disabilities in situations of armed conflict and related humanitarian crises? Heightening visibility and eliminating discrimination” on 6 December 2024. The statement was made on behalf of the EU and its 27 Member States, with the alignment of the Candidate Countries North Macedonia, Montenegro, Serbia, Albania, Ukraine, the Republic of Moldova and Bosnia and Herzegovina, as well as Andorra and San Marino.

An Arria-formula meeting is an informal and confidential gathering of United Nations Security Council members convened by one or more members to discuss a specific issue with a wider range of participants, including non-members, experts, and civil society representatives. These meetings allow for a more open and frank exchange of views than formal sessions. This Arria formula meeting was convened by Slovenia, Guyana, the United Kingdom and Poland to discuss the topic, in the week of the International Day of Persons with Disabilities.

In armed conflicts, persons with disabilities face increased threats for several reasons. First they might have no or limited access humanitarian assistance, basic services and shelter. In general, their physical and mental health are at heightened risk.¹⁹ Additionally, women and girls with disabilities are also more vulnerable to sexual and gender-based violence. The view of the EU is that persons with disabilities they should be included as both the designers and beneficiaries of humanitarian responses.

The EU recalls the principles set forth in the UNSC Resolution 2475 (2019)²⁰ on persons with disabilities in armed conflict, as a landmark achievement, even if it stresses that its implementation remains inadequate. UNSC Resolution 2475 (2019) urged all parties to armed conflict to take measures, in accordance with applicable international law obligations to protect civilians, including those with disabilities, and to prevent violence and abuses against civilians in situations of armed conflict, and post-conflict situations and to end impunity for criminal acts against civilians, including those with disabilities.²¹

It stressed the benefit of providing “sustainable, timely, appropriate, inclusive and accessible assistance to civilians with disabilities affected by armed conflict, including reintegration, rehabilitation and psychosocial support, to ensure that their specific needs are effectively addressed, in particular those of women and children with disabilities”.²² One of the key recommendation was

¹⁹ See Eboli V., “*Situazioni di rischio ed emergenze umanitarie*”, in Marchisio S., Della Fina V., Cera R. (a cura di), *Commentario alla Convenzione delle Nazioni Unite sui diritti delle persone con disabilità*, Roma, 2010.

²⁰ United Nations Security Council Resolution 2475 (2019), Adopted by the Security Council at its 8556th meeting, on 20 June 2019, S/RES/2475 (2019). <<https://digitallibrary.un.org/record/3810148?v=pdf>>.

²¹ UNSC Resolution 2475 (2019), p. 2.

²² Ibid.

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that of enabling the meaningful participation and representation of persons with disabilities, including their representative organizations, in humanitarian action, conflict prevention, resolution, reconciliation, reconstruction and peacebuilding, and to consult with those with expertise working on disability mainstreaming, to better know and protect their rights and specific needs.

The issue of the elimination of any form of discrimination and marginalization of persons on the basis of disability in situations of armed conflict, particularly those who face multiple and intersecting forms of discrimination, was retained as a crucial element.

In line with the recalled Resolution, the EU reports its efforts to make humanitarian aid inclusive and accessible to persons with disabilities, including mainstreaming disability inclusion in all EU-funded humanitarian operations, as reflected in the European Consensus on Humanitarian Aid²³, in EU thematic policies, as well as in the Operational Guidance on the Inclusion of Persons with Disabilities in EU-funded Humanitarian Aid Operations.

Another key topic is the implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD), adopted on 13 December 2006 at the United Nations Headquarters in New York, and was opened for signature on 30 March 2007.²⁴ Its Article 11 covers the protection and safety of persons with disabilities in situations of risk, including humanitarian emergencies. UNSC Resolution 2475 (2019) called upon State parties to comply with the obligations applicable to them under the CRPD. Equally in the Statement the EU recalls the importance of its implementation, mentioning that the EU is represented by Inmaculada Placencia Porrero, elected as a member of the UN Committee on the Rights of Persons with Disabilities.

The EU highlights that disability inclusion is a collective responsibility as well as an implementation of UNSC resolution 2475. The EU and its Member States are committed to make all efforts to reach its objectives and to enhance an inclusive and participatory human rights based approach towards persons with disabilities in humanitarian action.

This topic has been and remains a longstanding priority for the EU.

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²³ <https://civil-protection-humanitarian-aid.ec.europa.eu/who/european-consensus_en>.

²⁴ The text is available at <<https://social.desa.un.org/issues/disability/crpd/convention-on-the-rights-of-persons-with-disabilities-crpd>>.