9. Global instruments for conventional arms control

Overview

Conventional arms control by states usually takes one of two broad approaches: limiting and/or prohibiting weapons—including, where appropriate, the means and methods of delivering those weapons—considered to be inhumane or indiscriminate; or regulating and managing weapons production and trade, with a view to preventing their destabilizing accumulation, diversion and/or misuse. This chapter reviews the developments and negotiations that took place in 2018 in four of the main global instruments for regulating the production, trade and use of conventional weapons. The 2013 Arms Trade Treaty (ATT), another major instrument, is discussed in chapter 10.

Section I discusses the 1981 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 (the CCW Convention), with a focus on efforts to regulate lethal autonomous weapon systems (LAWS). As was the case in 2017, the discussions on LAWS took place in the format of a Group of Governmental Experts (GGE), which focused on: (a) the characterization of LAWS; (b) the human element in the use of force and aspects of human–machine interaction; (c) the review of potential military applications of related technologies; and (d) possible options for addressing the humanitarian and international security challenges posed by emerging LAWS technologies. No substantive decisions were made and there was no agreement on the way forward, but states did agree to extend the mandate of the GGE into 2019. Similarly, the growing international concern over the use of incendiary weapons and explosive weapons in populated areas (EWIPA) failed to generate new concrete outcomes during discussions in the CCW.

Section II explores developments in the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (the APM Convention) and the 2008 Convention on Cluster Munitions (CCM). Globally, the number of casualties from APMs in 2017 was exceptionally high for the third successive year, largely as a result of the armed conflicts in Afghanistan and Syria. In addition, this was the second year in a row in which the highest number of casualties was caused by improvised mines. Mauritania completed clearance of its landmines in 2018, but 56 states and 4 other areas remained contaminated by mines. Gambia, Namibia and Sri Lanka became states parties to the CCM in 2018, taking the total number of

states parties to 105. There was continued use of cluster munitions in Syria in 2018.

Section III discusses the 2001 United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects (the UN POA). The third review conference of the UN POA in June 2018 focused on three issues: linkages to some of the sustainable development goals (SDGs); whether to include ammunition in the scope of the UN POA; and the regulation of arms transfers to non-state actors. In the case of the SDGs and ammunition, the outcome document built on earlier advances and included language that increases the scope and relevance of the UN POA. However, the persistence of previous divisions prevented the adoption of new language on transfers to non-state actors.

In May 2018, UN Secretary-General António Guterres launched a new agenda for disarmament, Securing Our Common Future, which set out three priorities: (a) disarmament to save humanity, through the reduction and elimination of biological, chemical and nuclear weapons; (b) disarmament that saves lives, by diminishing the impact of conventional weapons; and (c) disarmament for future generations, by addressing new military technologies (see section IV).

There were over 250 state-sponsored cyberattacks in the period 2005–2018. Following two decades of international discussions on cybersecurity within the UN, however, there is little common ground between states on the nature of the threat and measures to address it (see section V). Russia and the United States in particular take fundamentally different approaches to the use and regulation of information and communications technology (ICT). Russia's goal remains the formation of an international information security system, of which a specialized non-proliferation regime would be part. The USA has made it clear that any discussion of a new legal regime would be unacceptable, but is willing to discuss voluntary and non-binding norms on responsible state behaviour. The main issues between the two sides are the threshold for the use of force and armed attack, and the applicability and sufficiency of international law.

States are now polarized around one of two positions. The first regards the proliferation of ICT as a positive tendency and considers existing international law sufficient for guiding state behaviour in cyberspace. This is mainly the position of Western states. The other position, adopted by a group of countries led by China and Russia, regards digitalization as a threat and would prefer new normative guidance on state use and development of ICT. These different perspectives have prevented international consensus on a way forward. Instead, several regional organizations have made significant progress, and there have also been important national and corporate initiatives.

IAN DAVIS