

13. Conventional arms control and regulation of new weapon technologies

Overview

Many of the contemporary debates on conventional arms control are shaped by the concept of ‘humanitarian disarmament’. This can relate to weapons deemed to be inhumane—such as incendiary weapons, explosive weapons in populated areas (EWIPA), cluster munitions, and landmines, improvised explosive devices and explosive remnants of war—and other categories of conventional weapon that raise humanitarian concerns—such as small arms and light weapons (SALW) and armed uncrewed aerial vehicles (UAVs).

The main multilateral treaty for regulating inhumane weapons is the 1981 Certain Conventional Weapons (CCW) Convention, alongside the 1997 Anti-Personnel Mine Convention and the 2008 Convention on Cluster Munitions. While progress in implementing the latter two treaties continued in 2021, a handful of states once again obstructed advances in most of the agenda at the sixth review conference of the CCW Convention, in December (see section I).

After many years of failing to make progress to address the humanitarian harm of EWIPA within the CCW framework, a separate process led by Ireland aims to develop a political declaration on their use. After Covid-19-related delays, the consultation process restarted in 2021 and a political declaration is expected to be adopted in 2022. Equivalent concerns about the humanitarian implications of armed UAVs have so far failed to generate sufficient state support for a similar multilateral regulatory process.

One of the most prominent efforts within the CCW regime has been to consider the regulation of autonomous weapon systems (AWS; see section II). Since 2017 a group of governmental experts (GGE) has been leading these efforts. A critical juncture was reached in 2021 with the end of the GGE’s current mandate and dialogue at the CCW review conference. As in previous years, the GGE’s discussions in 2021 followed two tracks: one on substantial questions around legal, ethical and military aspects of the development and use of AWS, and the other on options related to the governance of AWS. The GGE had aimed to submit substantive recommendations to the conference, on both the normative and the operational frameworks guiding the development and use of AWS, as well as recommendations for the mandate of a future GGE. However, fundamental disagreements prevented consensus being reached on both items. The review conference eventually adopted a new—less ambitious—mandate, allowing GGE discussions on AWS to continue within the CCW framework in

2022. However, the lack of substantive progress may lead some states to seek alternative paths to achieving a legally binding instrument.

Some of the humanitarian impacts of SALW are addressed by the 2001 United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in SALW in All its Aspects (POA) and the 2005 International Tracing Instrument (ITI). Implementation of both these politically binding instruments is reviewed at a biennial meeting of states (BMS). At the seventh BMS, in July 2021, states remained divided on the most contentious issues related to the implementation of the POA, including controls on ammunition, addressing new developments in SALW manufacturing, and creating links between the POA and other international processes (see section I).

Beyond arms control, international security can also be improved by states acting to build mutual confidence through transparency about their armaments (see section IV). However, the existing instruments within the UN and the Organization for Security and Co-operation in Europe (OSCE) are in urgent need of revitalization as participation in 2021 was low and parts of the submissions were incomplete. A more complex confidence-building mechanism is the 1992 Treaty on Open Skies. In November 2020 the United States withdrew from the treaty, and in January 2021 Russia announced that it would do the same (see section III). After the Russian withdrawal came into effect on 18 December 2021, most of the remaining parties to the treaty seemed determined to continue implementing it. However, at the end of the year the longer-term future of the treaty remained uncertain.

Several categories of weapon are not covered by a specific treaty and in more complex cases—such as the regulation of cyberspace or activity in space—the most appropriate approach may also be the subject of intense debate. Dialogue around the governance of information and communications technology (ICT) and cyber norms has taken place through a patchwork of initiatives (see section V). The main state-driven efforts continued in 2021 within two parallel UN processes: a GGE and an open-ended working group (OEWG). The 2019–21 OEWG concluded its work and a new OEWG, for 2021–25, was established. Despite international efforts to control the malicious use of ICT continuing to be hindered by differing interests and normative preferences of states and ongoing geopolitical tensions, 2021 was generally a productive year for cyber governance.

Meanwhile, developments in space security in 2021 centred on three issues (see section VI). There was continued development of offensive counterspace capabilities. This was demonstrated by new reported tests by China and Russia. Rising interest in lunar activities was shown by the development of two distinct international partnerships, one led by the USA and the other by China and Russia. Finally, there was widespread support for new discussions on responsible behaviour in space in the UN General Assembly, including agreement to convene a consensus-based OEWG to move discussions forward.