10. Conventional arms control

Overview

While states are continuously concerned with whether or not their national military potential is properly matched to vulnerabilities (actual or perceived), they have also been willing to discuss restraints on military capabilities with one another. With the exception of some promising progress in South America and in South Eastern Europe, in 2011 most developments in conventional arms control were discouraging as states were not willing to modify national positions in order to facilitate agreement, either globally or regionally.

Three background factors have contributed to the difficulty of developing conventional arms control. First, the huge and sustained investment that the United States has made in its military power has made it impossible to find solutions based on balance. Moreover, the strategic direction of US military development, with an increased emphasis on flexible force projection, challenges regional arms control. Second, technological developments have blurred the picture of which capabilities will confer military power now and in the future. The potential impacts of, for example, cyberweapons and missile defences have made it harder to define the scope of arms control as countries try to understand the implications of any limits they might accept. Third, the lack of agreed rules about the use of force—which may be for ostensibly constructive purposes and not only a defensive response to aggression—makes countries reluctant to give up military capabilities even if there is a humanitarian argument in favour of restraint.

For some weapons—such as anti-personnel mines and cluster munitions—states have found it difficult to balance their military security objectives and humanitarian concerns. The 1997 Anti-Personnel Mines Convention and the 2008 Convention on Cluster Munitions (CCM) are examples of agreements based on the principle that, even if a given weapon delivers some military advantage, it should still be limited or banned because the humanitarian consequences of use outweigh any military benefit. While the parties to these two conventions continued their implementation in 2011, the parties to the 1981 Certain Conventional Weapons Convention failed to agree on a protocol defining rules for the use of cluster munitions and banning those with particularly harmful effects (see section I in this chapter). The international community is now polarized between a group of states that have committed themselves to a total ban on cluster munitions through a separate convention negotiated among themselves—the CCM—and a group of states that are not bound by any shared rules at all, apart from the laws of war.

The Vientiane Action Plan, adopted in 2010 to guide implementation of the CCM, is an example of another approach, sometimes labelled 'practical dis-

armament', intended to assist the transition to peace in post-conflict locations by ensuring that weapons are held under proper custody or by collecting and destroying weapons that are considered surplus or that pose an unacceptable risk to civilians and block economic recovery in post-conflict locations.

Some processes seek to control the military capability of other states by making it illegal to export specified military items without a prior risk assessment of the given transfer by the responsible authorities in the exporting state. Efforts to improve the technical efficiency of export control continued in 2011 in global and regional organizations and in the informal regimes of the Missile Technology Control Regime and the Wassenaar Arrangement (see section II). However, a common approach to assessing acceptable risk remains elusive, beyond general guidelines agreed in the 1990s.

Export controls do not presume denial of a transfer (in fact denials are rare), and even when a given transaction is denied the decision need not signal disapproval aimed at the denied party. In contrast, arms embargoes—broad restrictions imposed on the supply to or receipt of specified items from a designated party—are restrictive measures that signal disapproval or aim to modify the behaviour of the target. The United Nations Security Council imposed one new arms embargo—binding on all states—in 2011, on Libya, but could not agree on an embargo on Syria (see section III). The Arab League did impose an arms embargo on Syria, its first ever, as did the European Union.

The most highly developed conventional arms control regime is in Europe, where it acts as a self-restraint measure intended to help achieve strategic stability and maintain a military balance in a defined region. In addition to the important impact on the size and composition of armed forces during the post-cold war period, the arms control regime provided the framework in which European countries could discuss the military-technical dimensions of security in Europe. Decisions in 2011 signalled that the main actors—in the North Atlantic Treaty Organization (NATO) as well as in Russia—no longer believe that the implications of modern military-technical developments can be discussed regionally (see section IV). However, they have not yet agreed on whether or how to move this discussion into a bilateral framework.

Finally, there are measures intended to restrict the operational activities of armed forces, or to make those activities transparent, in order to enhance stability and predictability. While these measures do not impose limits on the size or structure of armed forces, they can act as important confidence- and security-building measures (CSBMs). Most activity in this field in 2011 took place in Europe, where states agreed on an updated version of the Vienna Document on CSBMs, and South America, where states have agreed to a series of CSBMs intended to support their wider objective of building a common and cooperative security system in the region (see section V).

IAN ANTHONY