

9. Conventional arms control and military confidence building

Overview

Arms control has been continuously adapted in response to changes in the security environment, including the need to regulate and restrain the behaviour of non-state actors and the emergence of new technologies. The scope of application of legal-restraint measures now reaches far beyond the items that would traditionally be defined as arms. Likewise, the various existent and emerging frameworks of restraint are not limited to treaties and conventions. New innovations include, for example, politically binding confidence-building measures (CBMs) that are intended to promote the responsible use of information and communications technologies, and a shared ethical code intended to guide thinking about the potential misuse of new and emerging technologies in the fields of artificial intelligence and robotics.

How to regulate different kinds of weapon to ensure compliance with international humanitarian law has become an important theme in arms control (see section I in this chapter). In the first instance, participation in existing treaties that can be considered humanitarian arms control agreements is far from universal. Furthermore, the states that are parties to such agreements still have a lot of work to do in order to implement them.

Several states that are parties to the 1997 Anti-Personnel Mines Convention remain in non-compliance. Others have requested extensions to their deadlines for compliance. In 2013 participation in the 2008 Convention on Cluster Munitions (CCM) continued to expand as five countries joined the convention and seven others made a commitment to join once national implementation measures are in place.

Reducing the threat posed by improvised explosive devices (IEDs) is a formidable challenge, and one to which traditional arms control approaches are difficult to apply. However, the indiscriminate use of IEDs has serious humanitarian consequences. In the framework of the 1981 Certain Conventional Weapons (CCW) Convention, states continued to discuss how non-state actors can be denied access to key materials and elements needed to construct an IED.

In September 2013 the United Nations Security Council adopted Resolution 2117, its first ever text dedicated exclusively to the issue of small arms and light weapons. Introducing the resolution, the Secretary-General, Ban Ki-moon, emphasized the humanitarian impact of small arms—a theme that

was echoed in the interventions by many of the states and international organizations that participated in the debate.

States have begun to discuss how to regulate new and emerging technologies to ensure that they do not become an unacceptable risk to the principles of humanitarian law or human rights law. Two new and emerging technologies in particular were the focus of discussion in 2013: fully autonomous weapons and cyberweapons.

The issue of whether or not to regulate fully autonomous weapons and, if so, how to do that, was discussed in the framework of the CCW Convention and the UN General Assembly Human Rights Council (see section II). At the end of 2013 the CCW Convention states parties agreed that a more focused discussion of issues related to fully autonomous weapons will become a formal part of their work programme from 2014.

In December 2013 the participating states of the Organization for Security and Co-operation in Europe (OSCE) agreed to develop a set of CBMs to reduce the risk that a suspicious activity in cyberspace could be misinterpreted as a hostile act (see section III). The OSCE agreement to apply CBMs to information and communications technologies (ICTs) is the first such agreement in the world. The ultimate objective of the OSCE participating states is to contribute to an international understanding of, and an agreement on, the principles for responsible state behaviour in cyberspace and to strengthen the rule of international law. At the same time and in parallel, many OSCE participating states continue to develop their national capabilities to conduct operations in cyberspace.

In Europe, concern was expressed over whether the conventional arms control agreements reached in the 1990s, along with related politically binding confidence- and security-building measures, were still playing their main role of ensuring predictability in military behaviour and promoting confidence that armed forces exist only for legitimate defensive purposes (see section IV). During 2013, members of the North Atlantic Treaty Organization (NATO), as well as Russia and other European states, identified a risk that military exercises carried out in close proximity to the shared boundaries between NATO allies, Russia and Belarus might raise additional questions about the implications of current tendencies in military planning. Further discussion of whether the emerging pattern of military exercises is consistent with the shared objective of making Europe more secure and more peaceful took place in this context.