

10. Conventional arms control and regulation of new weapon technologies

Overview

Europe is the only region that has created an integrated conventional arms control architecture. However, geopolitical divisions between Russia and most of the rest of the Europe over the past two decades have resulted in its erosion to the point of collapse or irrelevance—part of a wider crisis in arms control. While the Vienna Document made it possible to draw critical attention to Russia’s military build-up on its border with Ukraine, for example, it could not reverse the escalation or prevent the full-scale Russian invasion in February 2022 (see section I). The existing conventional arms control instruments also appear to have little relevance to conflict management in other long-standing, simmering conflicts in Europe, and rebuilding a new order containing supporting elements of arms control will be extremely difficult.

Many of the contemporary debates on conventional arms control are shaped by the concept of ‘humanitarian disarmament’ (see section II). The need for strong and effective humanitarian disarmament law has been underscored by Russia’s invasion of Ukraine and the use there of cluster munitions, anti-personnel mines (APMs) and explosive weapons in populated areas (EWIPA), especially those with wide-area effects. These attacks have resulted in large numbers of civilian casualties, but they have also generated strong international condemnation precisely because they involved weapons banned or restricted under humanitarian disarmament treaties and norms. 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. Because the CCW regime operates by consensus, a small number of states that have chosen to retain, develop or use weapons seen as inhumane by others have repeatedly vetoed or stalled progress on strengthening the CCW Convention.

Nonetheless, there were four positive developments in 2022. First, after many years of failing to make progress in addressing the humanitarian harm of EWIPA within the CCW framework, a separate process led by Ireland resulted in the adoption in November 2022 of a political declaration on this issue by 83 states. Second, new standards were set regarding the environment and armed conflict when the United Nations General Assembly adopted by consensus the Principles on the Protection of the Environment in Relation to Armed Conflicts in December 2022. Third, in June 2022 the United States announced a new policy on APMs, effectively banning their transfer, development,

production or acquisition—the fifth change in US policy on this issue in as many administrations, dating back to the 1990s. Finally, in the context of the UN Programme of Action (POA) on small arms and light weapons (SALW), states agreed to consider discussing the impact of technological developments on SALW manufacturing and continued to acknowledge the gender-related impact of illicit SALW. Outside the POA process, states also started working on the development of a new global framework for ammunition management.

One of the most prominent efforts within the CCW regime has been to consider the regulation of autonomous weapon systems (AWS; see section III). Since 2017 a group of governmental experts has been leading these efforts. States have expressed different views on whether the adoption of a new regulation is warranted. During the discussions in 2022, most states agreed that the ‘normative and operational framework’ governing AWS needed to be developed further and that one possible way to proceed was through a two-tiered approach: prohibiting certain AWS, while placing specific limits and requirements on the development and use of all other AWS. However, a handful of states continued to oppose even this approach, reigniting the question of whether CCW is the appropriate forum to address the issue of AWS.

Beyond arms control, international security can also be improved by states acting to build mutual confidence through transparency about their armaments. This can be by sharing information on arms procurement or military expenditure (see section IV). However, the existing instruments within the UN and the Organization for Security and Co-operation in Europe are in urgent need of revitalization, as participation in 2022 continued to be low—despite a notable increase in participation in the UN Register of Conventional Arms—and parts of the submissions were incomplete.

The Hague Code of Conduct against Ballistic Missile Proliferation (HCOC) is a multilateral transparency and confidence-building measure covering ballistic missile and space-launch vehicle programmes, policies and activities (see section V). The HCOC’s annual regular meeting in 2022 failed to agree on a public statement over disagreements linked to Russia’s invasion of Ukraine, but the exchange of pre-launch notifications continued and the HCOC continued to receive significant political support through a biannual UN General Assembly resolution. The effectiveness of the HCOC in curbing ballistic missile proliferation is difficult to discern, but the focus on restraining the development and proliferation of ballistic missiles capable of delivering weapons of mass destruction appears increasingly out of step with technological developments and broader missile proliferation trends.

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