

# Contemporary Arms Control Instruments: Strengths and Weaknesses at “Saving Lives”

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Throughout the Cold War, the discourse on arms control and disarmament revolved principally around weapons of mass destruction, with the Conventional Armed Forces in Europe Treaty representing one of the few exceptions. While the danger of nuclear weapons did not vanish and the threat of nuclear annihilation is still looming, conventional weapons cause a tremendous number of casualties in conflicts across the world. They remain the main instruments used in both inter-state wars and current civilian conflicts today. In the 1990s, the international community expressed increasing concerns regarding conventional weapons, and their connection with criminality and development became gradually established.

On May 24th, 2018, Antonio Guterres released the new UN Disarmament Agenda “Securing our Common Future,” which includes a set of practical measures on conventional arms, weapons of mass destruction, and future technology. It stresses three priorities: disarmament to save humanity, disarmament that saves lives, and disarmament for future generations. The Agenda embodies a comprehensive approach to disarmament and a fresh perspective with dialogue at the center of global efforts towards peace and security. This article focuses on the question of “disarmament that saves lives,” a concept encompassing the purpose of “mitigating the humanitarian impact of conventional arms” and “addressing the excessive accumulation and illicit trade in conventional arms.”<sup>1</sup>

This notion is particularly relevant in today’s context, where armed violence resulted in mass casualties in civil conflicts and illicit arms trade is immeasurable. In Afghanistan, Ukraine, Syria, and Yemen, explosive weapons such as rockets and air-dropped bombs, as well as armed drones and improvised explosive devices (IED), were used indiscriminately on civilians—representing 90% of the victims.<sup>2</sup> While over the last 20 years the number of casualties of indiscriminate weapons dropped from some 20,000 to 8,000 per year, armed violence remains prevalent in most parts of the world. Several conventional arms control instruments have banned or restricted the use of specific weapons that affect civilians indiscriminately. This piece first focuses on these instruments’ main strengths and weaknesses at “saving lives.”

Further, global expenditure on conventional weapons increased and reached \$1.7 trillion in 2017 (Annex 1), while military industries expanded their markets and production levels in conflict zones. In the face of the growing availability of conventional weapons, Guterres called for greater state control. In this context, “small arms and light weapons” pose a particular challenge to arms control, as their global stockpile increased from 650 million in 2006 to 857 million in 2017 with 85% in civilian hands.<sup>3</sup> Considering all these aspects, this piece intends to identify the key weapons management gaps, highlighting limited or non-existent institutional capacity (II). I argue that the main factor for this gap is the silo approach adopted by the international community. Conventional arms control would benefit from a more comprehensive approach exploring the synergies within and outside the scope of the United Nations. This perspective would foster the exploration of linkages between arms, peace, and other development goals.

In his Disarmament Agenda of 2018, the Secretary General hence established a close link between disarmament by efforts and the Sustainable Development Goals presented in the Agenda for Sustainable Development. The last part of this piece thoroughly explores this linkage (III).

While the first part focuses on specific instruments in a detailed fashion, the second identifies key conventional weapons management gaps in a holistic fashion and intends to identify the general factors and solutions to these weaknesses. The last part looks at the broader picture of the relationship between strengthening international instruments and the achievement of the Agenda for Sustainable Development.

## I. Strengths and weaknesses of existing conventional weapons instruments at “saving lives”

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<sup>1</sup> United Nations Office for Disarmament Affairs. (2018). *Securing Our Common Future: An Agenda for Disarmament*. Retrieved from <https://www.un.org/disarmament/sg-agenda/en/>

<sup>2</sup> United Nations Office for Disarmament Affairs. (2018). *Explosive Weapons in populated areas*. Retrieved from <https://www.un.org/disarmament/convarms/explosive-weapons/>

<sup>3</sup> Small Arms Survey. (2018). *Small Arms Survey reveals: More than one billion firearms in the world*. Retrieved from <http://www.smallarmssurvey.org/about-us/highlights/2018/highlight-bp-firearms-holdings.html>

This section scrutinizes the strengths and weaknesses of conventional weapons instruments under different levels of analyses. The first level focuses on the substance of the treaty and responds to the following question: what are the key issues tackled by the instrument and to what extent do they adequately target the “humanitarian impact” of conventional weapons?

The second layer of analysis revolves around the question of the instrument’s implementation. In this respect, it poses the question of whether the instrument can be successfully implemented across the world and whether it includes effective support and reporting mechanisms for countries with limited capacities.

The last level deals with the question of the instrument’s adaptability to new developments in weapons technologies. Is the instrument capable of formulating a clear response to their humanitarian impact?

## A. The Convention on Certain Conventional Weapons

### 1. *Strengths*

The Convention on Certain Conventional Weapons, or CCW, remains the key starting point for the debate around the impact of weapons on civilian populations. It intends to “ban or restrict the use of specific types of weapons that are considered to cause unnecessary or unjustifiable suffering to combatants or to affect civilians indiscriminately.”<sup>4</sup> Prohibitions and restrictions are contained in a series of Protocols annexed to the Convention.

The CCW represents the first instrument characterized by its humanitarian rather than its disarmament orientation. Heavily based on humanitarian law, the CCW bridges the gaps of Protocols I and II to the Geneva Conventions of 1949, respectively dealing with Protection of Victims of International Armed Conflicts and Non-International Armed Conflicts. Directly tackling the use of conventional weapons, the CCW reinforces international efforts to mitigate the human cost of warfare.

Further, the CCW has proven capable of adapting to new technological developments. The treaty’s reliance on protocols that can be amended and added allows for flexible dialogue responding to the new challenges posed by conventional weapons. In this respect, the CCW can be viewed as a perpetual motion machine allowing for discussions and flexible changes. For instance, at the 2016 Fifth Review Conference of the CCW, the Contracting Parties decided to establish a Group of Governmental Experts (GGE) on LAWS with a mandate to assess the question of new lethal autonomous weapons systems. Furthermore, the CCW is the only treaty focusing on the IEDs defined under Article 2(5) of the treaty. In this respect, it constitutes the only treaty dealing with the tremendous humanitarian impact of the broadly interpreted IEDs and the contamination their remnants produce in several parts of the world.<sup>5</sup>

### 2. *Weaknesses*

However, the treaty contains no regular reporting mechanism. While reviews are scheduled every five years, states are not legally bounded to provide information about their implementation of the CCW. Further, there is currently no existing mechanism created to resolve compliance issues.

Second, the benefits of flexibility should be nuanced. While the Convention prohibits non-self-destructing and non-self-deactivating mines outside fenced, monitored, and marked areas, it does encompass anti-personnel mines.<sup>6</sup> In this context, the 102 countries bound by the amended Protocol II include most of the world’s major landmine producers such as China, Israel, Pakistan, India, and the US, which have refused to join the Ottawa Convention banning anti-personnel landmines.<sup>7</sup>

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<sup>4</sup> United Nations Office at Geneva. *The Convention on Certain Conventional Weapons*. Retrieved from <https://www.unog.ch/80256EE600585943/%28httpPages%29/4F0DEF093B4860B4C1257180004B1B30>

<sup>5</sup> United Nations Office at Geneva. *Background on Lethal Autonomous Weapons Systems in the CCW*. Retrieved from [https://unog.ch/80256EE600585943/\(httpPages\)/8FA3C2562A60FF81C1257CE600393DF6?OpenDocument](https://unog.ch/80256EE600585943/(httpPages)/8FA3C2562A60FF81C1257CE600393DF6?OpenDocument)

<sup>6</sup> Office for Disarmament Affairs. (2016). *Convention on Certain Conventional Weapons. Protocol II*. New York: United Nations.

<sup>7</sup> Arms Control Association. (2017). *Convention on Certain Conventional Weapons (CCW) At a Glance*. Retrieved from <https://www.armscontrol.org/factsheets/CCW>

Third, as the CCW's body works by consensus, new protocols remain difficult to reach. Another limitation lies in the fact that each protocol is only binding on the states that ratify it, and hence remains limited in scope. Further, a state party can refute its commitment to the Convention or one of the protocols anytime and can be legally freed from its obligations under the treaty only one year after notification.<sup>8</sup>

## B. The Ottawa Convention

### 1. *Strengths*

The CCW's failure to ban anti-personnel landmines under the Amended Protocol II led to the adoption of the Ottawa Convention, which intends to respond to the humanitarian crisis engendered by the indiscriminate use of mines. While the production of landmines across the world has fallen, several parts of the world such as India, Argentina, Iran, Ukraine, and Russia are still contaminated, which deeply affects civilian populations in these areas.

In light of these challenges, the Ottawa Convention observes the linkage between landmines and its impact on civilians. It requires each party "in a position to do so to provide assistance for the care, rehabilitation and social and economic reintegration of mine victims."<sup>9</sup> This requirement represents a unique feature and distinguishes the Ottawa Convention from other arms control instruments.

Another strength of the Ottawa Convention lies in its de facto monitoring regime, the Landmine and Cluster Munition Monitor. The Monitor reports on all aspects of landmine and cluster munition-related issues including humanitarian impacts.<sup>10</sup> The Monitor's strength lies in its transparency and independent reporting, as well as its wide network of international experts, allowing for a flexible discussion responsive to changes in dynamics.

One could long argue that the Ottawa Convention had transformed into an international norm, as no less than 164 states were parties. Within only four years, most stockpiles of anti-personnel landmines had been destroyed and 33 states outside of the treaty had abided to the treaty's key provisions.

### 2. *Weaknesses*

The Ottawa Convention, however, failed to prevent the use of anti-personnel landmines, with a tremendous number of casualties observed in Mali, Ukraine, Syria, Myanmar, and Thailand throughout 2019.

I also argue that a long way is still to be achieved before the prohibition of personnel landmines can become an international norm. Major state producers of landmines such as China, Russia, and the US have chosen to ignore the humanitarian disarmament legal framework provided by the Ottawa Convention. The Trump administration's recent decision to produce anti-personnel landmines represents a tremendous challenge to the Ottawa Convention's purpose to stigmatize these weapons. By deploying anti-personnel landmines on the DMZ in Korea, the US signals to other states that their use of these weapons will not be sanctioned. In this context, government forces in Myanmar have already chosen to resort to anti-personnel landmines as they have been signalled that this behaviour is morally acceptable and thus will not be stigmatized (at least by the US).

Furthermore, not all states parties have been able to fulfill their obligations in due time. Some states such as Bosnia and Herzegovina have repeatedly requested for extensions of mine clearance deadlines. Furthermore, the use of improvised landmines by non-state armed actors in Syria, Yemen, and Columbia has resulted in a significant increase in casualties (Annex 2). The continuous use of anti-personnel mines by a wide range of actors hence undermines the relevance of the treaty.<sup>11</sup>

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<sup>8</sup> Zhou, W. and Raab, A. (2019). *IEDs and the Mine Ban Convention: a minefield of definitions?* Retrieved from <https://blogs.icrc.org/law-and-policy/2019/09/17/ieds-mine-ban-convention/>.

<sup>9</sup> International Committee of the Red Cross. (2004). *Landmine victim assistance*. Retrieved from [https://www.icrc.org/en/doc/resources/documents/feature/2004/focus\\_mines\\_assist\\_041118.htm](https://www.icrc.org/en/doc/resources/documents/feature/2004/focus_mines_assist_041118.htm).

<sup>10</sup> Landmine & Cluster Munition Monitor. *What we do*. Retrieved from <http://www.the-monitor.org/index.php/LM/About-Us/What-is-the-Monitor>.

## C. The Convention on Cluster Munitions

### 1. *Strengths*

The Convention on Cluster Munitions explicitly responds to the “disarmament that saves lives” component of the new Disarmament Agenda as it tackles weapons causing tremendous human suffering that mostly target civilians. These weapons are usually unguided, and thus do not have the capacity to distinguish between civilians and soldiers. These weapons’ unpredictability and unreliability also lie in the unexploded submunitions which could explode after a conflict’s end.<sup>12</sup>

The Convention prohibits the 109 states parties from using, producing, transferring, or stockpiling cluster munitions as well as from assisting anyone with these activities. Its positive obligation requires states parties to destroy stockpiles within eight years and to clear their remnants within 10 years.<sup>13</sup>

The convention represents a ground-breaking legal precedent as it expands the scope of past treaties by covering also malfunctioning weapons. Its preamble identifies its purpose as putting “an end for all time to the suffering and casualties caused by cluster munitions at the time of their use, when they fail to function as intended or when they are abandoned.”<sup>14</sup> It also establishes retroactive state responsibility to clear the munitions’ remnants.<sup>15</sup> Further, the instrument integrates a strong humanitarian component as it includes a wide range of victim assistance requirements for states, similarly to the Ottawa Convention.

Lastly, it recognizes threats posed by non-state armed groups and paves the way for future legally binding controls on them. Its preamble identifies these groups as “forces states parties should prevent from acting contrary to the treaty.”<sup>16</sup> This convention could hence influence the creation of more comprehensive treaties participating in the advancement of international humanitarian law (IHL) in the future.

The Treaty also observes a considerable number of states that have already destroyed their stockpiles (Annex 3). Since 2009, 38 countries, among them one non-signatory of the Convention, have now destroyed their cluster munitions, and 35 countries have completed the destruction of their stockpiles and destroyed 1.5 million cluster munitions containing 178 million submunitions.<sup>17</sup> This testifies to the progressive formation of an international norm stigmatizing the use and possession of cluster munition.

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<sup>11</sup> Landmine & Cluster Munition Monitor. (2018). *What are the current challenges and successes of the Mine Ban Treaty?* Retrieved from <http://www.the-monitor.org/en-gb/the-issues/faqs/mine-ban-treaty/what-are-the-current-challenges-and-successes.aspx>

<sup>12</sup> Human Rights Watch. (2010). *Protecting Civilians through the Convention on Cluster Munitions*. Retrieved from <https://www.hrw.org/report/2010/11/22/meeting-challenge/protecting-civilians-through-convention-cluster-munitions>

<sup>13</sup> The Treaty’s implementation is based on the obligation to take legal measures to implement its obligations at the national level as well as the effective cooperation of all states parties in order to facilitate implementation at the international level through the Implementation Support Unit. The Coordination Committee and the Dubrovnik Action Plan Cluster Convention. (2015). *The Convention on Cluster Munitions*. <https://www.clusterconvention.org/wp-content/uploads/2016/09/CCM-brochure-5.pdf>

<sup>14</sup> International Committee of the Red Cross. (2008). *Convention on cluster munition. Preamble, Dublin, 20 May 2008*. Geneva: ICRC.

<sup>15</sup> Docherty, B. (2009). Breaking New Ground: The Convention on Cluster Munitions and the Evolution of International Humanitarian Law. *Human Rights Quarterly: A Comparative and International Journal of the Social Sciences, Philosophy, and Law*. 31(4): 934-963.

<sup>16</sup> International Committee of the Red Cross. (2008). *Convention on cluster munition: as adopted. Preamble, Dublin*. Geneva: ICRC.

<sup>17</sup> Only one state, Bulgaria, has not been able to fulfill its obligations in due time and submitted an extension request to extend its stockpile destruction deadline to April 2021, instead of October 2019. Landmine & Cluster Munition Monitor. (2019). *How many stockpiled cluster munitions have been destroyed and how many remain?* Retrieved from <http://www.the-monitor.org/en-gb/the-issues/faqs/stockpiling/how-many-stockpiled-cluster-munitions-have-been-destroyed-and-how-many-remain.aspx>

## 2. Weaknesses

However, the general success of the Convention should be nuanced as only 18% of the global stockpiles of cluster munitions have been destroyed by the 29 signatory countries. Moreover, out of the 93 countries believed to possess cluster bombs, only 29 have signed the Treaty and destroyed their stockpiles, while 17 have signed the Treaty and not destroyed their stockpiles yet, and 47 have not signed the Treaty (among them are Syria, Ethiopia, and the US).<sup>18</sup>

### D. UN Process related to SALW: The Firearms Protocol and the UN Programme of Action

#### *A. Weaknesses of the Firearms Protocol and the adoption of the UN Programme of Action*

Small arms and light weapons (SALW) pose a pervasive humanitarian challenge, with more than one billion firearms in the world and 857 million being in civilian hands in 2017, causing 46% of all violent deaths throughout the world.<sup>19</sup>

The Firearms Protocol adopted in May 2001 at the fifty-fifth session of the General Assembly represents today the only legally binding instrument banning the illicit manufacturing and trafficking of firearms. However, it does not include in its scope small arms in the context of armed conflict and post-conflict situations, nor small arms and state-to-state transfers if the national security of a state party is at stake. Furthermore, membership to the Firearms Protocol does not include the main arms exporting countries such as the US, Russia, Germany, China, and the UK.

However, this Protocol laid the ground for the adoption of the broader, yet only politically binding, UN Program of Action in July 2001. Started as a civilian initiative from Global Firearms, the UN PoA is not a disarmament instrument per se, and instead focuses on the illicit trade of SALW. It thus represents “a supply side” initiative. This instrument’s focus on illicit trade establishes useful linkages between the proliferation of SALW and criminality, conflict, and growing human cost. The UN PoA also lays the groundwork for national-level actions by calling states to report to strengthen national legislation on export, import, transit, and retransfer of such weapons, etc.<sup>20</sup> It also gave the impetus for the creation of useful international standards for SALW’s tracing, marking, and record-keeping under the International Tracing Instrument (ITI).

The UN PoA has partly contributed to the formation of a new norm. While states were not legally bound to do so, most issued report gathering information on their situation during the Third Review Conference. Further, this instrument allowed pressures on some countries to be successfully implemented, such as the case of Germany urging Nigeria to report on its situation.

#### *B. Weaknesses of the UN PoA*

These consensus-based proceedings, however, have clear limitations in the face of the current opposition by some states. This instrument’s impact remains limited as only a few states up until today have established national controls on small arms brokering, and international cooperation in this area has remained low.<sup>21</sup> Furthermore, as a difference from treaties, the UN PoA is not legally binding.

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<sup>18</sup> Cluster Munition Coalition. (2018). *Use of cluster bombs*. Retrieved from <http://www.stopclustermunitions.org/en-gb/cluster-bombs/use-of-cluster-bombs/in-syria.aspx>.

<sup>19</sup> Karp, Aaron. (2018). *Estimating Global Military-owned Firearms Numbers*. Retrieved from <http://www.smallarmssurvey.org/fileadmin/docs/T-Briefing-Papers/SAS-BP-Military-Firearms-Numbers.pdf>

<sup>20</sup> United Nations and United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. (2002). *Programme of action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects*. New York: United Nations Department of Public Information.

Moreover, an inherent weakness of the UN PoA lies in its exclusive focus on illicit trade. However, authorized trade has caused tremendous human suffering and constitutes at least \$7 billion per year.<sup>22</sup> Completely banning the trade of SALW remains nevertheless difficult today as internal law enforcement has become increasingly militarized across the world.

## E. The Arms Trade Treaty

### 1. *Strengths*

The Arms Trade Treaty represents an important step towards reducing human suffering through responsible arms transfers and constitutes the first legally binding treaty regulating international trade in conventional arms. The treaty's purpose lies also in improving transparency and accountability in international arms transfer controls, and hence provides for a safer environment in civilian conflicts.

In 1999, the ICRC showed in a study that the “widespread and uncontrolled availability of arms and ammunition facilitates IHL violations, [and] hampers the delivery of humanitarian assistance.”<sup>23</sup>

The ATT largely reflects this concern and includes a strong humanitarian component. Article 1 sets its purpose to reduce human suffering. Particularly, Article 6 of the ATT reaffirmed states' obligations to ensure respect for IHL in accordance with the Geneva Conventions of 1949 by prohibiting all transfers of arms that could be used in war crimes or in international and non-international armed conflicts. Under the ATT, states are required to conduct risk assessments including the risk that exported arms could be used in violation of IHL and international human rights law before authorizing arms exports. Further, state parties are also obliged to prevent arms transfers from fuelling gender-based violence and violence against children and organized crimes according to article 7 of the treaty.<sup>24</sup>

As the major exporters of conventional arms have either ratified or signed the treaty, it could significantly contribute to a positive normative shift that acknowledges the negative impact of illegal and irresponsible arms trade on the safety of civilians across the world.

Further, the engagement of both progressive governments and civil society throughout the world towards the drafting of the treaty and the implementation of its provisions has created a crucial momentum for the norm's transformation.

### 2. *Weaknesses*

However, the humanitarian impetus of the ATT seems to have diminished today as the process became increasingly monopolized by technical conversations excluding aspects related to the human impact.

Moreover, the ATT does not place restrictions on the amount or type of weapons that states can possess and trade, and states' domestic gun control laws and ownership policies remain outside of the scope of the treaty.<sup>25</sup>

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<sup>21</sup> Arms Control Association. (2007). *The UN Process on Small Arms: All Is Not Lost*. Retrieved from <https://www.armscontrol.org/act/2007-03/features/un-process-small-arms-not-lost>

<sup>22</sup> The United Nations. *Small arms: Trade & brokering*. Retrieved from <https://www.un.org/disarmament/convarms/trade-brokering/>

<sup>23</sup> International Committee of the Red Cross. (2016). *Understanding the arms trade treaty: from a humanitarian perspective*.

<sup>24</sup> Kytömäki, E. (2015). *The Arms Trade Treaty and Human Security: Cross-cutting Benefits of Accession and Implementation*. Retrieved from <https://www.chathamhouse.org/2015/02/arms-trade-treaty-and-human-security-cross-cutting-benefits-accession-and-implementation>

<sup>25</sup> Arms Control Association. (2017). *The Arms Trade Treaty At a Glance*. Retrieved from [https://www.armscontrol.org/factsheets/arms\\_trade\\_treaty](https://www.armscontrol.org/factsheets/arms_trade_treaty)

Further, lack of transparency and weak implementation considerably undermine the treaty. An example is the UK's deal worth \$4.7 billion with Saudi Arabia, which facilitated the bombing campaign in Yemen. As Andrew Smith, spokesman for the Campaign Against Arms Trade (CAAT), has pointed out: "We aren't aware of any arms exports that have actually been stopped by the ATT. It's evident that the treaty is too weak to make any meaningful difference."<sup>26</sup> An observation of the current arms trade does not show any significant change in the quantity of arms trade in the world since the ATT (Annex 4).

Furthermore, the ATT does not successfully respond to new technological challenges impacting civil conflicts as it does not apply to any technology transfer nor does it provide for blueprints for regulating 3D weapons or the challenges emerging from the dark web. Hence, the ATT would benefit from a stronger analysis of the nexus among arms trade, violent crimes, and terrorism as well as from synergies with other instruments such as UN Security Council Resolution 1540. Moreover, the refusal of the main exporters and producers of conventional weapons such as Russia, Saudi Arabia, and Israel to become part of the ATT, as well as the US's recent withdrawal, represent a major blow to the treaty's credibility and efficiency.

Lastly, the ATT observes limited reporting capacities, observable in the first required report and shown by states' reluctance to address the issue of the treaty's application to transfer authorizations.

### ***Recommendations***

Considering these weaknesses, I argue that these diverse conventional weapons instruments should be part of an ongoing process and broader framework to disarmament. Identifying areas where these instruments provide for similar measuring or implementation mechanisms or tackle similar aspects and complement each other could foster more effective synergies.

These would facilitate the implementation of conventional weapons management instruments by states within their national framework in a more coherent, effective, and holistic fashion.

Furthermore, while the norms established under these instruments might impact states' behaviour in the future, it might be too early today to assess whether norm-shifting will effectively occur.

## **II. Key conventional management gaps**

This part aims to identify key conventional weapons management gaps. I argue here that these main gaps are the persistent inability to develop an adequate response to the development of new technologies and weapons, as well as the ammunition management gap.

### ***A. The response to recent technological developments posing new challenges to IHL***

First, the new technological developments in the field of AI, robotics, cyber technology, and hypersonics pose a new set of challenges to the current conventional weapons management infrastructure. This necessitates the development of appropriate frameworks and new control mechanisms.

The weaponization of artificial intelligence transforms every aspect of combat and thus makes current conventional weapons management instruments largely irrelevant. The use of fully autonomous weapons systems raises high concerns regarding the respect of IHL, requiring the distinction between civilians and combatants and the principle of proportionality. However, only a few countries have pledged in favour of a ban in the form of a protocol to the Convention on Certain Conventional Weapons (CCW), while the main actors of the US and Russia have consistently opposed such a ban on lethal autonomous weapons systems. Further, drones are believed to pose several humanitarian threats through its capability to reach an "unintended escalation of hostilities" beyond human comprehension. Today, the UN contains no formal mechanism to oversee accurate information on armed drones. The need for transparency, accountability, and clear data collection on the potential impact of AI technologies is more urgent than ever.

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<sup>26</sup> DW. (2017). *UN's Arms Trade Treaty 'too weak to make a difference.'* Retrieved from <https://www.dw.com/en/uns-arms-trade-treaty-too-weak-to-make-a-difference/a-40452550>

Further, the new hypersonic delivery systems pose multiple challenges as they do not fit within the “mutual force calculations” paradigm at the heart of today’s nuclear arms limitation agreements and hence require additional protocols.<sup>27</sup>

New approaches to arms control are necessary to address these new weapons. For instance, applying existing control mechanisms for AI based on an insubstantial algorithm proves difficult and is incongruent with the precise labelling and stockpile oversight features of today’s conventional weapons management measures. Further, AI and hypersonic weapons defy the established divide between conventional and nuclear weapons and unveil a new set of regulatory problems. In this sense, they might benefit from exploring synergies with WMD management instruments.

Hence, new paradigms and ways of thinking of conventional weapons are required in order to tackle these new technological challenges. A more integrated disarmament framework tied to more preventive measures is required.

In light of the current race between US, Russia, and China in the accumulation of these technologies, the development of these weapons is faster than the ability to formulate appropriate arms control mechanisms.

### ***B. Ammunition management gap considering their accelerated diversion***

The unauthorized flow of ammunitions is a crucial contributor to the escalation of armed violence in conflict-related situations. Their diversion has become increasingly sophisticated and this commodity possesses a high tradeable value. These special challenges have not been tackled through a separate process within the framework of the UN today. This has prevented the effective mobilization of international cooperation and political action.

While numerous international and regional legal frameworks exist, these remain limited in scope and fragmented. Further, most regional agreements do not encompass all states within the given region.<sup>28</sup> For instance, crucial countries such as the DRC, Madagascar, and Angola still need to accede the SADC Protocol on the control of firearms and ammunitions. Further, as far as international instruments are concerned, the PoA provides no definition for SALW and whether it applies to ammunition remains unclear.<sup>29</sup>

Moreover, the international corpus of instruments dealing with ammunitions insufficiently focuses on pre-transfer risk assessments and monitoring/diagnostic activities tackling the wider supply chain of ammunition. According to a UNIDIR study, this issue could be successfully dealt with through a more comprehensive and systematic management of the ammunition issue. This would allow for more effective international cooperation and improved institutional capacity-building.<sup>30</sup>

### ***C. Main factor and prospects for improvement***

The main factor for these conventional weapons management gaps lies in the lack of effective synergies within and outside the UN. Approaches to disarmament lack a comprehensive view of these new multifaceted challenges. Many conventional weapons instruments cover the same subjects, and their implementation could benefit from an increased sharing of information and best practices.

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<sup>27</sup> Arms Control Association. (2018). *The Challenges of Emerging Technologies*. Retrieved from <https://www.armscontrol.org/act/2018-12/features/challenges-emerging-technologies>.

<sup>28</sup> UNIDIR. (2019). *Report from the Third Thematic Ammunition Seminar*. Retrieved from [10/Report%20from%20the%20Third%20Thematic%20Ammunition%20Seminar.pdf](https://www.unidir.org/publication/conventional-ammunition-management-gap-analysis)

<sup>29</sup> Batchelor, P. and Kenkel, K. (2014). *Controlling Small Arms: Consolidation, Innovation and Relevance in Research and Policy*. London: Routledge. pp. 160.

<sup>30</sup> UNIDIR. (2019). *Conventional Ammunition Management Gap Analysis*. Retrieved from <https://www.unidir.org/publication/conventional-ammunition-management-gap-analysis>.

Improved synergies between conventional weapons instruments and UN peacekeeping operations or instruments created under UN Resolution 1540 regulating the spread of WMD would reinforce each of these instruments. Hence, I argue that thinking in terms of a “patchwork” of conventional arms instruments would allow for better international cooperation.

### **III. Linkages between the Agenda for Sustainable Development and the strengthening of conventional weapons management**

The Agenda for Sustainable Development has clearly established the connection between humanitarian and disarmament goals. Specifically, it allows for the creation of linkages with other global processes. It hence creates an impetus for the development of new indicators assessing the real impact of conventional weapons instruments on development goals.

The SDG 16 establishes this clear connection as it links the reduction of all forms of violence (16.1) with the reduction of illicit financial arms flows (16.4). In this respect, conventional weapons management instruments tackling arms diversion, misuse of transferred arms, and illicit manufacture of weapons directly respond to SDG 16.4. Hence, even though SDGs are universal and most conventional arms managements instruments do not encompass all states, synergies between the SDGs and conventional weapons management instruments can be observed and account for the linkages between general disarmament and humanitarian agendas.

For instance, both the ATT and the 2030 Sustainable Development Agenda acknowledge the relationship among development, peace, and security and the need for transparency and close partnerships for their implementation. There is clear evidence that the successful implementation of the ATT would facilitate the achievement of SDGs. For instance, Article 7(4) for the ATT related to gender-based violence directly applies to the realization of Goal 5 lying in achieving gender equality and “empowering all women and girls.”<sup>31</sup> The ATT also directly responds to SDG 11 as arms non-proliferation indisputably contributes to safety in cities. Moreover, Article 11 in ATT emphasizing the prevention of arms diversion is directly relevant to SDG 16.

Further, reporting mechanisms established by conventional weapons management instruments tackling illicit arms flows such as the ATT, the UN Firearms Protocol, the UN PoA, and the ITI could theoretically provide for effective support for data collection on the implementation of SDG 16.4.<sup>32</sup> However, formal monitoring for implementation of these control instruments is lacking today. By stressing the need to develop efficient and systematic measuring towards the achievement of SDG Target 16.4, Agenda 2030 advocates the use of reporting and data collection under arms control instruments.

### **Conclusion**

To conclude, conventional weapons management instruments have provided a vehicle for action on a wide set of weapons that endanger the safety of civilians across the world. The conventional weapons management infrastructure contains however some limitations in ensuring effective compliance and providing for adequate assessment mechanisms.

Important synergies are observable between existing arms control and the 2030 Development Agenda of the UN, specifically SDG Target 16.4 concerning illicit financial arms flows. Progress is expected regarding the use of the reporting mechanisms of arms control instruments to support the effective implementation of Target 16.4.

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<sup>31</sup> The Arms Trade Treaty. (2017). *Thematic Discussion on the Relationship Between the Sustainable Development Goals and the Arms Trade Treaty*. Retrieved from [https://thearmstradetreaty.org/hyper-images/file/CSP3\\_-\\_KEYNOTE\\_ADDRESS\\_ON\\_RELATIONSHIP\\_BETWEEN\\_ATT\\_AND\\_SDGs\\_final/CSP3\\_-\\_KEYNOTE\\_ADDRESS\\_ON\\_RELATIONSHIP\\_BETWEEN\\_ATT\\_AND\\_SDGs\\_final.pdf](https://thearmstradetreaty.org/hyper-images/file/CSP3_-_KEYNOTE_ADDRESS_ON_RELATIONSHIP_BETWEEN_ATT_AND_SDGs_final/CSP3_-_KEYNOTE_ADDRESS_ON_RELATIONSHIP_BETWEEN_ATT_AND_SDGs_final.pdf)

<sup>32</sup> McDonald, G. Alvazi del Frate, A. and Ben Hamo Yeger, M. (2017). *Arms Control 2.0: Operationalizing SDG Target 16.4*. Retrieved from <http://www.smallarmssurvey.org/fileadmin/docs/T-Briefing-Papers/SAS-BP-Arms-Control-2-0.pdf>

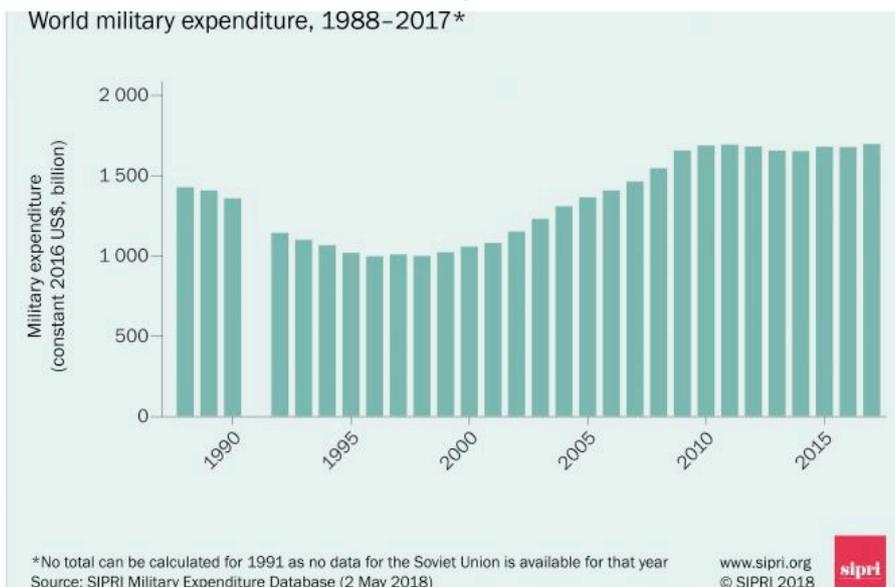
From a general perspective, efforts are also yet to be achieved towards the identification of more coherent methods to integrate disarmament measures within UN's development, conflict prevention, and peace-making capacities.

Further, let us remind ourselves that the relationship between development and arms control can only be truly operated through the inclusion of a strong gender-responsive perspective articulated in SDG Target 5, promoting gender equality, and specifically SDG 5.2, aiming to eliminate all forms of violence against all women and girls

Lastly, new projects such as SALIENT—a new facility created within the UN Peacebuilding Fund—have made the connection between arms control and development explicit.<sup>33</sup> By focusing on the demand side and the support of community policing on arms flows, this new “Saving Lives Entity” has developed a new development-focused funding mechanism that shifts away from a security approach that traditionally obscures the real purpose of conventional weapons management instruments. These remain in fact only a means to an end. Conventional arms management infrastructure still encounters many challenges in its formulation of an adequate response to “disarmament that saves lives” and exploring further ambitious synergies between different instruments and organizations remains more than ever the priority.

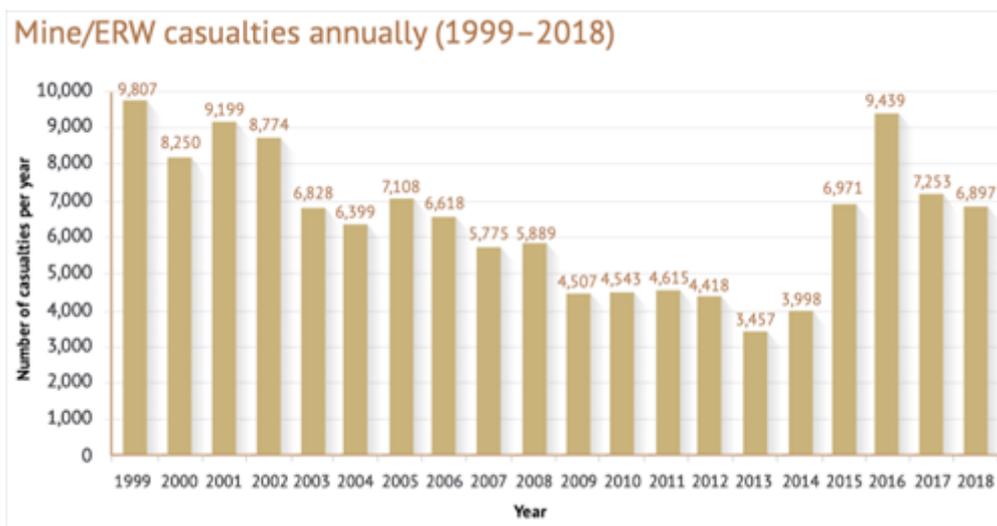
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Annex 1



Source: SIPRI (2018). <https://www.sipri.org/media/press-release/2018/global-military-spending-remains-high-17-trillion>

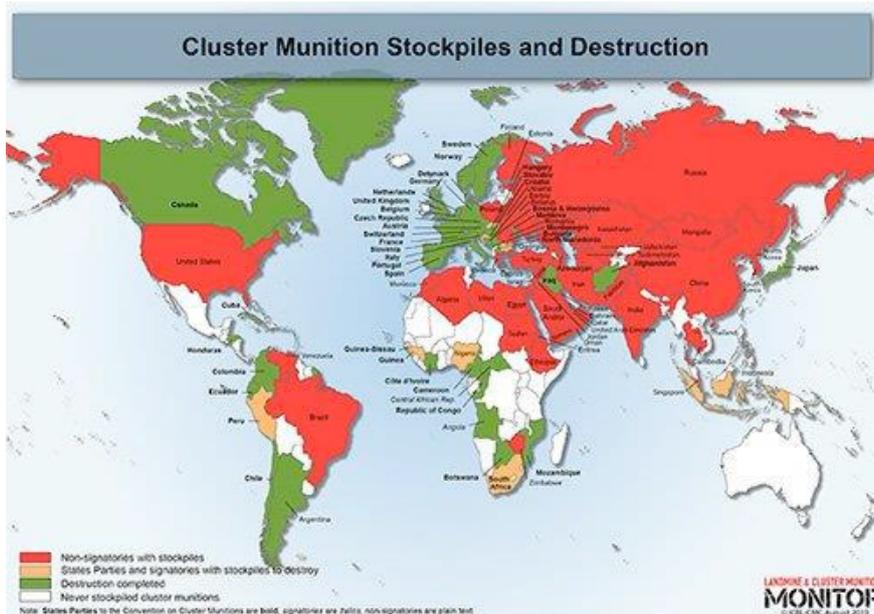
Annex 2



Source: ICBL

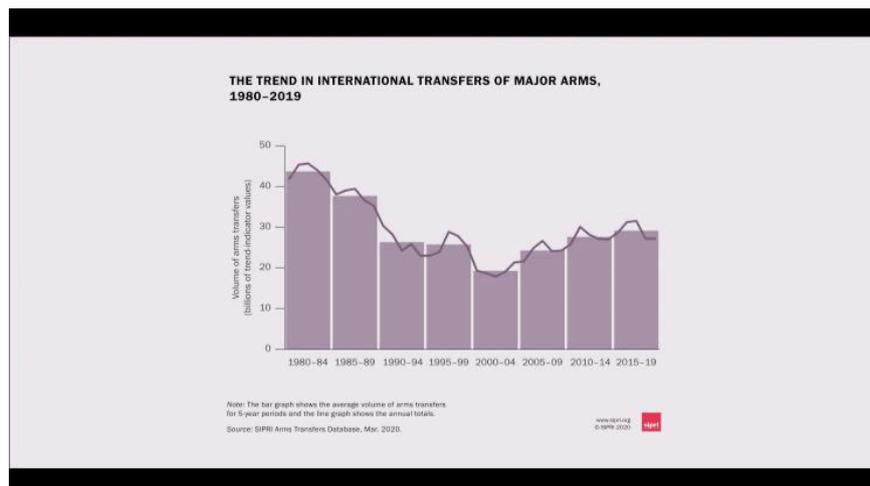
<sup>33</sup> United Nations Office of Disarmament Affairs. (2019). *SALIENT fund launched – connects small arms regulation to development*. Retrieved from <https://www.un.org/disarmament/update/250626/>

### Annex 3



Source: *Landmine Cluster & Munition Monitor* (2019). [http://the-monitor.org/media/3047261/2019\\_CMM\\_Stockpiles\\_Final\\_Full.jpg](http://the-monitor.org/media/3047261/2019_CMM_Stockpiles_Final_Full.jpg)

### Annex 4



Source: SIPRI. <https://www.sipri.org/research/armament-and-disarmament/arms-and-military-expenditure/international-arms-transfers>

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