

THE TECHNOLOGIES OF VIOLENCE AND GLOBAL INEQUALITY

Thomas Nash

- *The dangerous emergence of autonomous weapons* •
is deeply rooted in disparities of power between states

ABSTRACT

The development, use and control of military technology are characterised by serious inequality amongst states. Thomas Nash discusses how the development of new weapons remains largely unchecked, despite international obligations that exist and examines how - in the context of lethal autonomous weapons systems - this trend could have particularly serious consequences. The author examines the inequality in the production, transfer and impact of conventional weapons and how this translates into the limited representation of lower income countries at multi-national forums. Nash concludes by calling for equal participation of states, the involvement of civil society and the development of mechanisms to ensure the meaningful participation of those states who have been most affected by the weapons.

KEYWORDS

Weapons technologies | Lethal autonomous weapons | Global inequality | Arms trade

The development, use and control of military technology are characterised by serious inequality amongst states, with high-income countries dominating not only the purveyance of technologies of violence but also global forums for disarmament and arms control. The producers of weapons tend to be higher income states. Lower-income states are generally more likely to be importers of weapons, and are also more affected by armed violence than higher-income states. Lower-income states are also vastly more likely to be part of nuclear weapon free zones, whereas higher-income countries are vastly more likely to be part of nuclear-armed alliances and / or possess nuclear weapons. The use of armed drones by mainly high-income countries on the territory of low-income countries illustrates another aspect of these patterns of inequality and dominance, which will be further exacerbated by current technological developments towards weapons systems with sophisticated software and sensors that allow greater autonomy over their operation.

Talks at the United Nations on lethal autonomous weapons systems, which are weapons that would be able to identify, select, and engage targets without meaningful human control, have highlighted various ethical and legal concerns in relation to these developments.¹ Problematically though, participation in discussions on disarmament and the restriction and prohibition of weapons is generally skewed towards higher-income countries. Nevertheless, some lower-income countries have made concerted efforts to participate actively and/or to use rules of procedure such as consensus to exercise vetoes and enhance their relative levels of influence over specific processes or forums.²

These are global issues that may affect states in different ways. All states, regardless of the level of their income and their interests with regard to weapons technologies, have a stake in scrutinising the development, transfer and use of weapons. All states should have an interest in promoting rigorous and transparent weapon reviews, in taking action on the arms trade, in stopping the use of heavy explosive weapons in populated areas. All states should be working to stop the limitless expansion of the battlefield that armed drones facilitate and should be working to prevent the emergence of lethal autonomous weapons systems. This article briefly examines some of the different aspects of global inequalities between states on disarmament and weapons issues, and explores the urgency of a new legal instrument to pre-emptively ban lethal autonomous weapons systems in this context.

2 • Unchecked weapons development

Patterns of inequality in the production, transfer, use and control of weapons represent a relatively underdeveloped area of study in discussions around disarmament, arms control and the protection of civilians. Similarly, the distinct lack of scrutiny over the emergence of new weapons is an area that merits much greater discussion internationally. A transparent, international conversation about the processes involved in the development of new weapons would open up space for an examination not only of the permissibility of new systems, but also on the wider impacts they may be expected to have on societies.

Despite the existence of the legal obligation in article 36 of the 1977 Additional Protocol I to the Geneva Conventions, by which states must review any new weapons they develop or acquire, the development of weapons technologies is not properly scrutinised. Few states undertake such reviews and those that do undertake them provide scant detail on the assessments they have made.³

One might ask whether cluster munitions, a weapon that since 2008 has been banned by most of the world's nations, would have been developed if an adequate level of scrutiny had been applied by the states developing or acquiring them. Of course, such decisions are political as much as they are technical or legal and the level of consideration given to the humanitarian impact of a weapon is not necessarily the same as the level of consideration given to its perceived "effectiveness" in countering a perceived "security" threat.

Contemporary experience with the development and use of armed drones provides a good example of the negative results of this inadequate scrutiny. It is unclear whether legal reviews of armed drones – as an overall weapons system – have been undertaken by any state and, if so, what the assessments were and what consideration was given to the various ethical and humanitarian objections that have been raised in relation to armed drones. Could such legal reviews be expected to take into account the way in which armed drones facilitate the potentially limitless expansion of the battlefield, allowing political leaders essentially to kill anyone, anywhere, at anytime? Could they be expected to consider the psychological impact armed drones have had on communities in Pakistan, where children are afraid of the blue sky and parents are reluctant to send them to school on clear days for those are the days on which drone strikes are more likely?⁴

Whether or not one has any confidence with the existing processes for the review of weapons before they are developed, these concerns should be at the forefront of international discussions on lethal autonomous weapons systems (aka "killer robots"). Far from being an alternative to new international law prohibiting the development of autonomous weapons – as states such as the US and UK have argued – properly conducted weapon reviews should provide a clear basis for the prohibition of lethal autonomous weapons systems.

A next generation of weapons systems that are able to select their own target objects and fire upon them, without a human being directly involved in either the selection of the target at the time, or pressing the button to fire the weapon, are not a distant possibility. They are a very real prospect. Their development would constitute an attack on ethics, human rights and international law.⁵ Their use would almost certainly fuel injustice and inequality. States should prohibit their development and use now, taking advantage of the international discussions that have begun at the United Nations. A window of opportunity is open, and states should act without delay before it closes. If not, history suggests that the development of lethal autonomous weapons systems will only further the gap between the wealthy and powerful states and those that command less military and financial might.

3 • Inequality in the production, transfer and impact of conventional weapons

Taking the Stockholm International Peace Research Institute's (SIPRI) 2014 data on the top 20 arms exporting countries, which does not include data on small arms transfers, this list is dominated by the US, Russia, and China, the NATO states and other highly militarised countries. The list of the top 20 arms importing countries, by contrast, includes lower-income or developing countries such as Afghanistan, Algeria, Egypt, Indonesia, Iraq, and Venezuela.⁶ Looking at this data on the top 20 exporters against the top 20 importers (excluding the importers that are also on the top 20 exporters list), the difference in total GDP is USD 51,749,949 million versus USD 6,677,207 million. The average per capita GDP for these same two groups is USD 38,700 versus USD 12,954.

Similar trends are true for small arms exporters. According to Small Arms Survey, Austria, Belgium, Brazil, Germany, Italy, Switzerland and the United States routinely report annual exports of small arms, light weapons, their parts, accessories, and ammunition worth USD 100,000,000 or more per year. The levels for China and Russia are likely the same though reporting is incomplete.⁷ However, when it comes to importers, some high-income countries dominate the list. Australia, Canada, France, Germany, Italy, Japan, the Netherlands, Saudi Arabia, Spain, the United Kingdom and the US routinely import small arms, light weapons, their parts, accessories, and ammunition worth USD 100,000,000 or more per year, along with Egypt, Pakistan, Thailand, and Turkey.⁸

Conventional arms transfers both reflect and drive global inequalities between states, and patterns of dominance and militarisation in international affairs. Arms manufacturing companies are frequently supported through state subsidies and in some cases are owned by the state. Governments often proactively promote their arms industries by including their representatives in government delegations for overseas visits, as well as supporting large arms fairs such as the Defence and Security Equipment International exhibition (DSEI) in the United Kingdom. Some countries even include arms purchases in their development aid packages. Arms industries in wealthy countries, in turn, drive the development and production of advanced weapons technology, with the public justification of generating military advantages for these countries – and with the technology sold on to friends and allies in other states.

Not only do arms transfers frequently go to lower-income countries, they also go to countries involved in armed conflict or in regions at risk of or currently suffering from armed violence. The recently adopted Arms Trade Treaty (ATT) contains obligations to prevent weapons transfers that contribute to human rights violations or breaches of international humanitarian law. However, decisions such as that by the UK and others to continue sending weapons and military equipment to Saudi Arabia and other countries involved in the bombing campaign in Yemen suggests that some countries may prioritise the concerns of their arms industries over their obligations under international human rights and humanitarian law.⁹

The different interests with which lower and higher income countries are aligned also extends to weapons of mass destruction: high-income countries are most likely to be in nuclear-armed alliances, whereas lower-income countries are most likely to be in nuclear-weapon free zones. It should be no surprise then, that an international nuclear disarmament conversation dominated by wealthy states has failed so far to produce results in favour of disarmament, as discussed below.

With conflict and armed violence primarily affecting lower-income countries, conventional weapons tend to have a disproportionate impact on these populations. Two examples are the impact of explosive weapons in populated areas and the impact of small arms. Based on extensive reviews of English-language media reports, in 2014 the use of explosive weapons affected 58 countries and territories. Developing countries Iraq, Syria, Gaza, Nigeria and Pakistan topped the list. Lower-income countries also dominate the rest of this list: Afghanistan, Ukraine, Lebanon, Yemen, India, Libya, Somalia, Thailand, Kenya and the Philippines.¹⁰ Similarly, the impact of small arms is generally more acutely felt in lower-income countries.¹¹ Conflicts in Africa, for example, are largely prosecuted with small arms, while the highest rates of violence in countries “at peace” (particularly in the Americas), depend overwhelmingly on firearms.¹² In the context of small arms, studies have described a bi-directional relationship between armed violence and development, by which poverty is both a driver and symptom of armed violence.¹³

4 • Inequality in participation at multilateral forums

Article 36 is currently conducting research to map participation at multilateral disarmament forums, examining global patterns in attendance and the giving of statements by country income category, region and gender of participants.¹⁴ Data collected from thirteen different processes and forums covering both conventional weapons (including small arms and explosive weapons) and weapons of mass destruction between 2010-14 reveals that overall, the lower a country’s income group, the less likely that country will be to attend any given meeting, hold office at it, or give an individual country statement, compared to a richer country with an equal right to participate. Lower-income countries will also field smaller delegations on average, which can further exacerbate low rates of participation.

There are some variations in these patterns across the forums, which may be explained by factors such as priority or national interest or the effectiveness or inclusiveness of the forum. Nevertheless, the general patterns are strong. Focusing on nuclear disarmament forums, the data also shows that inequality in representation increases for meeting sessions that addressed more specific topics, in comparison to general debates. For example, the percentage of the lowest-income parties to the Nuclear Non-Proliferation Treaty (NPT) making a statement to the main committees, clusters and specific issue session was only 1% on average across all NPT meetings between 2010 and 2014, according to the available data. At several of these individual sessions, no low-income countries contributed at all.¹⁵

A study on participation in forums focused on small arms or the arms trade might produce different results, with stronger participation from lower-income African and Latin American states, for example. However, the underrepresentation reflected in nuclear weapons forums suggests a particularly egregious inequality, in which the states possessing or including nuclear weapons in their security doctrines dominate the debate, despite the capacity of these weapons to destroy all life on earth.

Greater equitability between countries in multilateral discussions is important in principle. But it is particularly important for advancing the potential to change dynamics through challenging the dominance of particular interests associated with higher income countries. In the data collected, the nuclear weapons meetings that achieved the nearest to equal attendance across country income groups were the recent conferences on the Humanitarian Impact of Nuclear Weapons. These were slightly different to other meetings in the dataset for not being part of a formal process – but were also seeking specifically to bring in a greater diversity of perspectives on nuclear weapons, and to address the interests of a wider range of countries. As a result, the humanitarian initiative on nuclear weapons has been recognised by both states and civil society as bringing greater democracy to the global conversation on nuclear disarmament – which has, in turn, generated momentum towards new effective measures.¹⁶

Where more equal representation is achieved between countries in multilateral disarmament forums, in terms of both quantity and quality of participation, discussions may have a greater chance of generating a more balanced debate and a larger range of proposals to address global disarmament concerns.¹⁷ Given that weapons and disarmament concerns are global issues, the interests of all countries must be represented for any attempt to achieve the most equitable outcomes for populations worldwide. Representative, inclusive and participatory processes are necessary to achieving progressive outcomes. Countries most affected by armed violence are usually those prepared to support the strongest, most progressive measures to prevent and resolve this violence through national and international mechanisms. Such processes require more equal participation of states, the involvement of civil society, and mechanisms to ensure the meaningful participation of those who have been most affected by the weapons under discussion.

NOTES

- 1 • States, international and non-governmental organisations, and academics have met in Geneva at two meetings of experts held under the auspicious of the Convention on Certain Conventional Weapons (CCW). A further meeting will be held in April 2016. For more information, see <http://www.article36.org/issue/autonomous-weapons/>.
- 2 • See for example, "The underrepresentation of low-income countries in nuclear disarmament forums," *Article 36*, May 2015, accessed October 7, 2015, <http://www.article36.org/wp-content/uploads/2015/05/Underrepresentation-nuclear-forums.pdf>.
- 3 • Brian Rappert et al., "The role of civil society in the development of standards around new weapons and other technologies of warfare", *International Review of the Red Cross*, 886 (June 2012).
- 4 • James Cavallaro, Stephan Sonnenberg, and Sarah Knuckey, *Living Under Drones: Death, Injury and Trauma to Civilians from US Drone Practices in Pakistan* (Stanford, Calif.: International Human Rights and Conflict Resolution Clinic, Stanford Law School; New York: NYU School of Law, Global Justice Clinic, 2012).
- 5 • See for example, Christof Heyns, "Report of the special rapporteur on extrajudicial, summary or arbitrary executions", UN Doc. A/HRC/26/36, UN Human Rights Council, 1 April 2014.
- 6 • See Siemon T. Wezeman and Pieter D. Wezeman, "Trends in International Arms Transfers 2014," *SIPRI Fact Sheet*, March 2015.
- 7 • See "Small Arms Survey – Exporters", accessed October 7, 2015, <http://www.smallarmssurvey.org/weapons-and-markets/transfers/exporters.html>.
- 8 • See "Small Arms Survey – Importers", accessed October 7, 2015, <http://www.smallarmssurvey.org/weapons-and-markets/transfers/importers.html>.
- 9 • Amnesty International, "*Bombs fall from the sky day and night: civilians under fire in northern Yemen*" (United Kingdom: Amnesty International, October 2015); Ray Acheson, *Trading arms, bombing towns* (Geneva, New York: Reaching Critical Will of the Women's International League for Peace and Freedom, 2015).
- 10 • Action on Armed Violence, *Explosive states: monitoring explosive violence in 2014* (London: AOAV, May 2015).
- 11 • Daniel Mack, "War in peace: the big toll of small arms," *openSecurity*, October 21, 2014.
- 12 • Mack, "War in peace".
- 13 • See, Geneva Declaration on Armed Violence and Development, *Global Burden of Armed Violence 2015: Every Body Counts* (Cambridge: Cambridge University Press, May 2015).
- 14 • Two discussion papers have been published, with a full report to be released at the end of 2015. See "Issues: Disarmament and Development," *Article 36*, 2015, accessed October 7, 2015, <http://www.article36.org/issue/processes-and-policy/dd/>.
- 15 • See, "The underrepresentation".
- 16 • See, Daniela Varano and Rebecca Johnson, "NPT: nuclear colonialism versus democratic disarmament," *OpenDemocracy*, May 21, 2015, accessed October 7, 2015, <https://www.opendemocracy.net/5050/rebecca-johnson-daniela-varano/npt-nuclear-colonialism-versus-democratic-disarmament>.
- 17 • See for example, John Borrie and Ashley Thornton, *The Value of Diversity in Multilateral Disarmament Work* (Geneva: UNIDIR, 2009).



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