

more likely to be transferred and to introduce destabilizing tension into a region. The Register should remain focused on the military significance of these weapons."<sup>47</sup> It is inherently harder to determine the meaning of "excessive," "offensive," or "destabilizing" with small arms and light weapons.<sup>48</sup> For this reason, establishing the military significance of SALW may be quite difficult for a register to do, except perhaps after the fact.

- Destabilizing buildups of small arms and light weapons often occur when a state legally imports these weapons, which would be reported if the Register included them, but then re-transfers them within their country in a manner that exacerbates conflict. This latter type of transaction may or may not be illicit in terms of a state's own laws or international humanitarian and human rights law. But it would be irrelevant in terms of the Register, which only asks states to report state to state transfers.

### Assessment

There appear to be many more factors working against inclusion of small arms and light weapons in the Register than for their inclusion. The factors that have come together to create the current slowing down of participation in the Register, as outlined in section III of this report, are even more salient in the case of small arms and light weapons.

*Source of Register.* When the Register was created, there was a consensus that something needed to be done to avoid a repeat of the arms buildups that played a major role in the outbreak of the Gulf War. The seven categories of weapons which were selected for the Register were based on the probability that these weapons could be excessively accumulated and therefore were worthy of monitoring via the Register. Small arms and light weapons were not considered in this mix of weapons, because they were not deemed to play a crucial role in the Gulf War. In addition, when the Register was created, many states had already created national procedures to track the production, import and export of major conventional weapons. It was relatively easy for many states to provide reports, once the Register had been created. This was not the case for small arms and light weapons, as they were not seen as possessing political or strategic significance. Attempts to re-energize the Register in 2000 can look back to a time when the rationale for the Register was legitimate and draw upon that time period to make the case that those threats are still here. No such legitimacy or urgency seems yet to exist for small arms and light weapons. In both the 1997 and 1999 Group of Experts reports on small arms, no agreement was reached on including

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<sup>47</sup> . Report of the Secretary-General on the operation of the Register, A/54/226, 13 August 1999, submitted views of Member States, p. 101.

<sup>48</sup> . This is not to say that there are not cases where accumulation of light weapons can be destabilizing in a manner that a transparency mechanism could detect. See in general the work of the Arms Division of Human Rights Watch and in particular Stephen D. Goose and Frank Smyth, "Arming Genocide in Rwanda." *Foreign Affairs* (September/October 1994).