

- Interpretation and dispute settlement
- Adaptation and flexibility

5) Sanctions

The second and third elements, transparency, inclusiveness and non-discrimination, are central to the Register and have been discussed. More important for the development of an effective consultative mechanism are the questions of norms and active management.

Norms

For the Register to develop or be incorporated into a cooperative security regime, it must be based on *norms* agreed to by the majority of the states participating in the Register and any follow-on consultative mechanism. What are these norms likely to be? It is not surprising that the norm of international peace and security appears prominently in resolution 46/36L, since this norm is the basis for the UN Charter itself. Few will argue that this norm has legal status. The key question that has been asked throughout the history of the United Nations is how this norm is to be achieved. Does resolution 46/36L contain norms of behaviour which if followed could achieve this larger goal? For one, it could be said that even at this point the norm of transparency and openness in the form of public disclosure of sensitive military information, currently that of arms exports and imports, has begun to take hold. It is mentioned early and often in resolution 46/36L. Additionally, eighty three countries participated in the first year of the Register, including all of the major supplier states. Increased participation, both horizontally (more states) and vertically (more information) will enhance the development of this norm.

But there are other norms embedded in 46/36L that have the potential to develop, indeed must develop lest the register process stall at the level of data production. For example, the first preambular paragraph states 'Realizing that excessive and destabilizing arms build-ups pose a threat to national, regional and international peace and security, particularly by aggravating tensions and conflict situations, giving rise to serious and urgent concerns.' This phrase 'excessive and destabilizing' appears in paragraph 2, paragraph 4(a), and paragraph 12. Also appearing through out the resolution is reference to 'restraint' by states in exporting and importing armaments. As previously mentioned in this report, this resolution stems directly from the Iraqi experience. In a sense it is the codification of the norms deemed by the international community to have been violated by Iraq.

At this juncture in the history of the Register, the only support for the norm of preventing excessive and destabilizing accumulations is the fact that 150 countries voted for the resolution. This brings up the question of the role of General Assembly resolutions in the development of international