

Even without detailing the arguments on the other side (most of which have been touched upon above) it should be noted that none of these arguments provide any reason to conclude that all forms of control of conventional proliferation are impossible. Rather, they suggest that the problem must be disaggregated, that constraints must operate where economic interests are not strong (or are outweighed by other considerations), where political will can be generated, and where practical (albeit complex) mechanisms can be put in place. The existence of a supplier interest in exporting weapons technology has not, for example, precluded arrangements such as the Missile Technology Control Regime (MTCR) to deal with particular technologies and weapons systems; nor has the complexity of the issue halted the development of a Chemical Weapons Convention (CWC).

Perhaps the most important objection, however, is the first. Proposals to constrain conventional proliferation run into a considerable hurdle because of the perceived "legitimacy" of conventional weapons. There is widespread agreement that weapons of mass destruction are fundamentally illegitimate, and hence it is possible to impose severe restrictions on their production and use. Despite their destructive capacity, and the substantial threat to international peace and security that they pose in certain cases, the same is not true for conventional weapons.

Both Article 51 of the UN Charter and Article 3 of the resolution establishing the Register of Conventional Arms recognize the right of states to self defence, "which implies that States also have the right to acquire arms with which to defend themselves."¹ There are, however, some limitations to this right that reduce its blanket objection to measures that would constrain the free flow of armaments. First, the injunction against "excessive and destabilizing arms buildups" that has been incorporated into several UN resolutions (however difficult it may be to implement in practice) has given the international community an occasional *droit de regard* over the way in which states defend themselves. In addition, nothing in the right of self-defence implies that states have an obligation or duty to *supply* weapons to states that request them. While states have a right to develop an arms industry for their own needs, they do not thereby acquire an unencumbered right to export weapons to other states without scrutiny by the international community (as testified by numerous UN embargoes). In fact, one of the forces behind many of the current efforts to constrain conventional proliferation is the attempt to develop multilateral norms that would govern supplier policies, and that would provide a means for the international community to exercise some oversight. Obviously, this can raise many difficult dilemmas, as the current objections of the Bosnian government to the arms embargo against the former Yugoslavia illustrates.

Indeed, much of the momentum behind broader ideas such as cooperative security comes from the belief that it is only in concert that states can achieve greater security, when their national security discussions are transparent, and subject to multilateral discussion. Such an approach is provided, for example, by Ashton Carter, William Perry and John Steinbrunner's discussion of *A New Concept of Cooperative Security*.² Their suggested underlying principle for new multilateral security policies in the field of proliferation is "a commitment to regulate the size, technical composition, investment patterns, and operational practices of all

¹ Article 3 of General Assembly Resolution 46/36L, 9 December 1991.

² (Washington: The Brookings Institution, 1992). William Perry is the Secretary of Defense in the Clinton Administration; Ashton Carter is the Assistant Secretary of Defence for Nuclear Security and Counter-Proliferation. It should be noted that this is not identical with the concept of "cooperative security" that was elaborated and promoted by the Canadian government.