

Central to the development of the Register is answering the question who or which body will determine what is 'excessive and destabilizing'. If the question can only be answered in relation to a specific region or context, how will this be done? One response is traditional diplomacy. States concerned with build-ups will confer, jawbone, cajole, threaten, promise, in short use the tools traditionally available to states. However, it would seem that the Iraq war and its descendant, 46/36L, pushes the international community beyond such an approach. If one assumes that most of the Iraqi arms build-up was generally known by states, the 'traditional diplomacy' method failed.

What is needed is some sort of consultative mechanism beyond traditional diplomacy, an established body which would meet regularly to address the data in the Register. What would be the purposes of such a mechanism? First, the establishment of some permanent or established body would lower the political (and economic) costs of addressing excessive and destabilizing arms build-ups, particularly if such a process is to be part of the UN system. One can imagine the turmoil on the floor of the First Committee if country A demands that an experts group be commissioned to look into an arms build-up in country B. Country B would object, based on the legitimate point that the mere fact that they submitted their data to the Register is indication that the acquisitions reported were legal and legitimate. A way has to be found whereby the questioning of build-ups is part of confidence building. A recent example of this problem is the acquisition of a Russian submarine by Iran. Russia, Iran and an incensed and worried United States all weighed in with the rationales for supporting or objecting to this transfer. But this 'exchange of views' took place in public with a maximum amount of rhetoric and little in the way of confidence building. Had a consultative mechanism been available states would have been more free at a much lower political cost to address the issue at hand. Iran may well have presented arguments which could have persuaded the US and other interested regional states that it was a legitimate purchase. If fears persisted, perhaps such a consultation would have led to further transparency measures in the region which could have reassured the concerned parties.

A consultative mechanism could also regularize the determination of excessive and destabilizing by recruiting a set of non-governmental experts to render objective assessments of military balances. Gradually this body of experts could gain the confidence of states concerned. It might be possible for such a mechanism to serve as the focal point for the consideration of new categories and types of weapons to be added to the Register. Such a process would also allow the integration of perceptions into the determination of excessive and destabilizing accumulations, a particularly important point given that such accumulations only occur in a specific regional context. This consultative mechanism would have to insure that all parties to any issue raised would be a participant, avoiding the situation illustrated by the Iran submarine case illustrated above. This puts additional emphasis on the importance of a non-discriminatory mechanism. In sum, the consultative mechanism must be a setting or venue which serves as a focal point for raising issues and building