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The United Nations Conventional Arms Register (UNCAR) : Present Challenges, New Directions

Edward J. Laurance

Prepared for the

International Security Research and Outreach Programme
International Security Bureau

February 2001



Department of Foreign Affairs
and International Trade

Ministère des Affaires étrangères
et du Commerce international

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PREFACE

The views expressed in this paper are those of the author, and do not necessarily reflect the views or positions of the Department of Foreign Affairs and International Trade or the Government of Canada.

The International Security Research and Outreach Program commissioned a study to address the following issues:

- i) Provide a brief description and assessment of the literature to date concerning the challenges facing the UNCAR, together with a brief description of what the UNCAR comprises to date.
- ii) Condense these problems into discrete tasks. Offer substantive thoughts on how these tasks could be accomplished.
- iii) Provide a brief description and assessment of the literature to date concerning a WMD register. This would include, *inter alia*, assessments of the utility of a CW and BW register, progress made to this effect under the CWC and the BTWC (and the incipient BTWC Protocol), together with efforts to articulate a NW register.
- iv) Consider which level – weapons, components, and/or delivery systems – would be the most appropriate for such a Register.
- v) Consider whether such a Register should address transfers or holdings.

The Department of Foreign Affairs and International Trade wishes to acknowledge the work performed under contract through the International Security Research and Outreach Programme in the preparation of this report by the author: Dr. Edward Laurance.

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EXECUTIVE SUMMARY

In December 1991 the United Nations General Assembly passed resolution 46/36L entitled Transparency in Armaments, creating the United Nations Register of Conventional Arms. Eight years later the international community is taking stock of the participation in and impact of the Register as a cooperative security regime. While the Register has accomplished much, it has reached a plateau in terms of the quantity and quality of both information and number of participants. It has not moved beyond the original design of fall 1991. And it has had little impact on both the outbreak of conflict and the lowering of transfers in armaments, two of its original goals. On this occasion of the fourth review of the Register by a Group of Governmental Experts (March-July 2000), this report evaluates the Register performance to date, examines the root and proximate causes of the current stagnation, and makes recommendations for moving it forward so that it can play the role intended by the international community when it was created in 1991.

The signs of success of the Register include an evolving norm of transparency, as indicated by 80 or so states regularly reporting data, the participation of most all producing states which ensures making public most of the arms transfers in the international system, incremental progress in the quality of data reported, background information now reported as a part of the official UN report, the public availability of heretofore secret information, reforms of national reporting procedures as a result of the Register, and the enhancement of the capacity and role of the UN Secretariat.

Unfulfilled objectives include little improvement in generating nil reports, no reduction in arms exports to regions of tension, continuing discrepancies in the data submitted by suppliers and recipients, resistance to reporting military holdings, non-participation by states in critical conflict-prone regions such as Africa and the Middle East, and a failure to expand beyond the seven categories, in particular to weapons of mass destruction and small arms and light weapons.

The implementation of the Register to date has been influenced by its creation at a unique time in history when the northern arms producing states which had supplied Iraq felt the need to do something to prevent similar occurrences. This seminal event has faded in history and has effected participation accordingly. While initially the capacity of states to participate was a problem, most states now understand the procedures and have enhanced their capacity to comply. Support for the Register has waned in recent years due to lack of emphasis and promotion by key states, the defection of China, and the recent campaign by Egypt and a coalition of Southern states to include weapons of mass destruction in the Register. Additionally, the Register is viewed as irrelevant by many since it does not apply to intra-state conflicts fought with small arms and light weapons not covered by the Register.

The Register has also leveled off in importance due to underdeveloped theory as to how the Register was supposed to work in accomplishing its goal of building confidence, providing early warning, and preventing arms buildups from leading to armed conflict. Since

its inception much more is known about the concept of transparency and how it relates to conflict prevention, leading to the conclusion that it has both positive and negative effects. A second problem exists in misunderstanding the importance of military holdings data, which has led to unrealistic expectations in terms of reporting by states.

The key to improving the Register lies with utilizing a conceptual framework which includes five components that must be in place in order for a Register to function as envisioned by its founders. These components include data submission format and procedures, policy relevant theory which explains how arms buildups can lead to instability and conflict, developing early warning indicators, developing a multilateral consultative mechanism, and the generation of policies to address arms buildups.

An analysis of the Egyptians campaign starting in 1997 to include weapons of mass destruction (WMD) in the Register reveals that it has less to do with the Register and more to do with North-South security issues, Middle Eastern policies and nuclear weapons issues that belong in various fora such as the NPT deliberations. WMD are qualitatively different than major conventional weapons and should be treated differently.

As recent conflict has been dominated by the use of small arms and light weapons not covered by the Register, there have been calls to add these weapons to the Register. There are some arguments in favor of this inclusion, especially that it would deal with weapons actually being used. However, there appears to be many more factors working against inclusion of small arms and light weapons in the Register than for their inclusion. These reasons include the difficulty in monitoring the flows, more complex trading patterns, the prominence of surplus weapons as opposed to new production, uncertainty as to their role in leading to conflict, the sensitive nature of their role in internal security, and the multidimensional nature of the effects of these weapons which go far beyond normal arms control and disarmament paradigms.

Recommendations for action include recognizing the sensitivity of military holdings data, developing a standard form for reporting production, conducting seminars on the relationship between arms buildups and conflict, enhancing the role of the UN Department of Disarmament Affairs, supporting the transparency of small arms and light weapons through regional efforts, developing practical means of dealing with the issue of WMD outside of the Register, and supporting seminars on developing a separate nuclear weapons register as well as assessing the relationship between WMD and conventional weapons.

RÉSUMÉ

En décembre 1991, l'Assemblée générale des Nations Unies a adopté la résolution 46/36L intitulée *Transparence dans le domaine des armements*, instituant le Registre des armes classiques des Nations Unies. Huit années plus tard, la communauté internationale évalue la participation au Registre et son incidence en tant que régime coopératif de sécurité. S'il est vrai que le Registre a permis de faire beaucoup de progrès, force est d'admettre qu'il a atteint ses limites, qu'il s'agisse de la qualité des renseignements et de leur quantité ou du nombre de participants. Sa structure initiale n'a pas évolué non plus depuis l'automne 1991. Il a en outre peu contribué à empêcher l'éclatement de conflits ou à réduire les transferts d'armements, deux de ses objectifs initiaux. À l'occasion du quatrième examen du Registre (mars à juillet 2000), un groupe d'experts gouvernementaux a publié un rapport dans lequel il évalue la performance du programme à ce jour. Il se penche en outre sur les causes profondes et possibles de l'impasse actuelle et fait des recommandations pour en sortir, de façon à ce que le Registre joue le rôle que lui a confié la communauté internationale, lors de sa création en 1991.

Le Registre a certes permis d'instaurer une norme de transparence en constante évolution, puisque près de 80 États fournissent régulièrement des renseignements. À cela s'ajoutent la participation de presque tous les États producteurs, de sorte que la plupart des transferts d'armements au sein du système international sont rendus publics; l'amélioration progressive de la qualité de l'information qui est communiquée; la présentation des renseignements généraux dans le cadre du rapport officiel des Nations Unies; l'accessibilité de renseignements autrefois tenus secrets; la réforme des méthodes nationales d'établissement de rapport; le renforcement de la capacité et du rôle du Secrétariat des Nations Unies.

En revanche, le nombre d'États qui présentent des rapports négatifs n'a pas beaucoup augmenté; les exportations d'armes vers les régions où existent des tensions n'ont pas diminué; il existe toujours des écarts entre les données des fournisseurs et celles des destinataires; on est réticent à fournir des données sur les stocks militaires; les États des régions susceptibles de connaître des conflits, comme l'Afrique et le Moyen-Orient, n'y participent pas; il a été impossible d'étendre son application à d'autres catégories d'armement que les sept catégories initiales, notamment aux armes de destruction massive (ADM) ainsi qu'aux armes légères et portatives.

La création du Registre à un moment précis de l'histoire a influé sur sa mise en oeuvre. À l'époque, les États producteurs du Nord qui avait fourni l'Iraq se sont sentis obligés d'empêcher qu'une telle situation se reproduise. Ce point tournant est peu à peu tombé aux oubliettes et la participation des États a changé en conséquence. Certes, la capacité à participer des États a d'abord posé problème, par contre la plupart d'entre eux comprennent aujourd'hui la démarche à suivre et ont renforcé leur capacité pour se conformer aux exigences du programme. Ces dernières années, si l'appui au Registre a faibli, c'est parce que les principaux États concernés n'ont pas mis l'accent sur le programme ni fait sa promotion, la Chine s'est retirée, et l'Égypte ainsi qu'une coalition d'États du Sud ont fait

campagne pour que le Registre s'applique aux ADM. De plus, nombre de pays mettent en doute sa pertinence, puisque le Registre ne peut s'appliquer aux conflits internes où l'on se bat avec des armes légères et portatives, celles-ci étant exclues des mesures de contrôle.

Le Registre a aussi perdu de son importance parce que l'on n'a jamais entièrement expliqué comment, en théorie, le Registre parviendrait à remplir ses objectifs, à savoir renforcer la confiance, fournir une capacité d'alerte rapide et empêcher que l'accumulation d'armes provoquent des conflits armés. Depuis sa création, nous comprenons beaucoup mieux le concept de la transparence et son rapport avec la prévention des conflits, ce qui amène à conclure qu'elle entraîne à la fois des conséquences positives et négatives. Le fait que l'on comprenne mal l'importance des données sur les stocks d'armes militaires pose également problème, puisque cela a créé des attentes irréalistes en ce qui concerne la communication des renseignements par les États.

Pour améliorer le Registre, il importe avant tout d'utiliser un cadre conceptuel formé de cinq éléments, dont la mise en place lui permettra de fonctionner ainsi que l'avaient envisagé ses fondateurs. Cela comprend un modèle et des méthodes pour la présentation des renseignements, une théorie pertinente qui explique comment l'accumulation d'armes peut provoquer de l'instabilité et des conflits, la mise au point d'indicateurs d'alerte rapide, la mise sur pied d'un mécanisme de consultation multilatéral et l'élaboration de politiques pour s'attaquer à l'accumulation d'armes.

Après analyse, il ressort que la campagne entreprise par l'Égypte en 1997 pour que l'on inclue les armes de destruction massive (ADM) au Registre est avant tout motivée par des questions touchant à la sécurité Nord-Sud, à la politique au Moyen-Orient et aux armes nucléaires, qui relèvent de différents forums, y compris des discussions sur le Traité de non-prolifération (TNP). Les ADM étant par nature différentes des principales armes classiques, il convient de les traiter différemment.

Comme, dans les conflits récents, on a surtout utilisé des armes légères et portatives, auxquelles le Registre ne s'applique pas, certains ont donc demandé leur inclusion. Des arguments militent certes en faveur de l'inclusion, notamment que le Registre s'appliquerait ainsi à des armes que l'on utilise véritablement. Toutefois, il semble exister bien plus de facteurs qui militent contre celle-ci. Qu'il s'agisse de la difficulté de surveiller le flux de ces armes et leur itinéraire commercial beaucoup plus complexe; du nombre plus important d'armes excédentaires par rapport à celui des nouvelles armes; de l'incertitude en ce qui concerne leur rôle dans la genèse d'un conflit; de la nature délicate de leur rôle dans la sécurité intérieure ou de l'aspect multidimensionnel de leurs effets, qui dépassent de loin les paradigmes du contrôle des armements et du désarmement.

Il est recommandé, entre autres mesures, de reconnaître la nature sensible des renseignements sur les stocks d'armes militaires; d'élaborer un modèle standard pour rendre compte des activités de production; d'organiser des séminaires sur la corrélation entre l'accumulation d'armes et les conflits; de renforcer le rôle du Département des affaires de désarmement des Nations Unies; d'encourager la transparence en ce qui concerne les armes

légères et portatives, à la faveur d'efforts régionaux; de mettre en place des moyens concrets de s'attaquer au problème des ADM, en dehors du cadre du Registre, notamment d'organiser des séminaires sur l'élaboration d'un registre séparé pour les armes nucléaires et sur les liens entre les ADM et les armes classiques.

The United Nations Conventional Arms Register (UNCAR): Present Challenges, New Directions

I. Introduction

In December 1991 the United Nations General Assembly passed resolution 46/36L entitled *Transparency in Armaments* (hereafter referred to as TIA), creating the *United Nations Register of Conventional Arms* (hereafter referred to as the Register). The vote was 150-0, with Cuba and Iraq abstaining and China and Syria not present. The Register was put into operation on 1 January 1992, and in April 1993 member states of the UN began voluntarily submitting data on weapons transfers and background information on military holdings, procurement through national holdings, procurement through national production (PNP) and relevant policies for the calendar year 1992.

The basic operating philosophy of the Register of Conventional Arms was one of cooperative security. Given the end of the Cold War and a very costly Gulf War, a consensus was emerging that the international community could do more to prevent such conflicts from erupting by developing a system of transparency in armaments designed to "reduce the occurrence of dangerous misperceptions about the intentions of states and to promote trust among States."¹

Eight years later the international community is taking stock of the participation in and impact of the Register as a cooperative security regime. On one level an average of between 80-90 countries now regularly report data on conventional weapons as a matter of course and, for the most part, in accordance with the Register's procedures. A web site has been set up by the UN Department of Disarmament Affairs (UNDDA) that makes these data available to the international community at large. It is fair to say that a great deal of official information on arms transfers, holdings, PNP and policies now exists, compared to a previous era of maximum secrecy and mistrust.

But the Register was designed to be a first step in achieving greater goals. The preamble of the TIA resolution referred to enhancing confidence, easing tensions, strengthening regional and international peace and security, and restraint in military production and the transfer of arms, all of which could lead to "a world free from the scourge of war and the burden of armaments." It is clear that the Register has fallen short of playing what many hoped would be a major role in a cooperative security regime that would address the key problem stated in the first paragraph of the TIA resolution, the "excessive and destabilizing arms buildups pos(ing) a threat to national, regional and international peace and security, particularly by aggravating tensions and conflict situations."

¹. *GA Resolution 46/36L*, preambular paragraph 3.

While the Register has accomplished much, it has reached a plateau in terms of the quantity and quality of both information and number of participants. It has not moved beyond the original design of the fall 1991. And it has had little impact on both the outbreak of conflict and the lowering of transfers in armaments, two of its original goals. If this situation continues it will begin to erode the progress made to date. Defections from the regime may have already started. On this occasion of the fourth review of the Register by a Group of Governmental Experts (March-July 2000), this report evaluates the Register performance to date, examines the root and proximate causes of the current stagnation, and makes recommendations for moving it forward so that it can play the role intended by the international community when it was created in 1991.

II. Implementation of the Register as of January 2000

Signs of Success

In terms of data submitted by states, the progress of the Register to date is well known. Each year the United Nations compiles a consolidated report of the submissions from states to the Register, the latest and seventh report being dated 13 August 1999 (A/54/226). In addition to this official report, the Register has traditionally been analyzed by civil society. In the first few years of the Register, these reports were prolific², given the ground-breaking nature of the Register and the growing interest in cooperative security schemes in general in the wake of the end of the Cold War. As the Register reached a plateau of some 60-70 core states who consistently reported, most of the reporting and analysis from civil society dropped off. This was mainly due to the failure of the second Group of Experts (1994) to expand and further develop either the categories covered by the Register, or additional reporting on military holdings (MH) and/or procurement through national production (PNP). There has been little movement since then, as evidenced by the 1997 report from a third Group of Experts.

The one institution that has consistently evaluated the Register on an annual basis has been the Department of Peace Studies at the University of Bradford in the UK. Their

² Comprehensive treatments include Edward J. Laurance, Siemon Wezeman and Herbert Wulf, Arms Watch: SIPRI Research Report No. 6 (Oxford: Oxford University Press, 1993); Malcolm Chalmers, Owen Greene, Edward J. Laurance and Herbert Wulf, eds., Developing the U.N. Register of Conventional Arms (Bradford : Department of Peace Studies, University of Bradford, 1994); Malcolm Chalmers and Owen Greene, Taking Stock: The U.N. Register After Two Years (Boulder: Westview Press, 1995); Edward J. Laurance and Herbert Wulf, "A consensus report without progress: U.N. Register of Conventional Arms 1994." Appendix 14 D. SIPRI Yearbook 1995: Armaments, Disarmament and International Security (Oxford: Oxford University Press, 1995); Malcolm Chalmers and Owen Greene, The UN Register of Conventional Arms: Examining the Third Report. Working Paper. (Bradford : Department of Peace Studies, University of Bradford, November 1995) ; and Edward J. Laurance and Tracy Keith, "The United Nations Register of Conventional Arms: On Course in Its Third Year of Reporting." The Nonproliferation Review (March 1996).

Bradford Arms Register Series (BARS) provides an opportunity for governments, international organizations, and civil society to track the progress of the Register. In an article based on their January 1999 report, *A Maturing Regime? The UN Register in its Sixth Year*, Malcolm Chalmers and Owen Greene summarized the accomplishments of the Register.³ What follows is their summary plus others added by this author.

- "It now demonstrates many of the characteristics of a mature regime. Implementation of commitments has now become relatively routine for 80 or so 'core' participants, including nearly all the main exporters and most of the main importers of major conventional arms...It has established a de facto norm of transparency in conventional arms transfers which, though still weak and contested, all governments must take into account."

- To add to this, the following observations are also relevant. There is incremental progress in the quality of the information provided. In the fifth year of reporting, only four states failed to provide data on weapons types and models alongside numerical data on transfers. Many states resisted submitting these types of data in the first few years.

- Background information on military holdings and PNP are now provided as part of the official UN report, as opposed to BARS publishing this information on its own.

- The data that are generated from the Register each year have a value in and of themselves. They are official and can be referred to and discussed in various UN and regional fora. This is not the case if states do not submit data and rely on public sources. Additionally the Register has produced data previously unknown in public sources.

- Since its information is provided officially, the Register provides a legitimate basis on which to develop regional and international consultations among governments. It has been used to provide security dialogues in East Asia, the Americas and elsewhere. An excellent example of this is the Inter-American Convention on Transparency in Conventional Weapons Acquisitions, signed by all OAS members in June 1999. Clearly such a Convention could not have occurred in the absence of the global Register.

- The Register provides publicly-available information, empowering legislatures, citizens and even some civilian branches of government in their efforts to strengthen accountability of their military and political leaders.

- The occasion of providing annual reports, now more or less expected, has stimulated many governments to develop and improve their national systems for monitoring and controlling arms transfers.

- Finally, there has been an increase in the support of the UN Secretariat as a trusted component of the emerging cooperative scheme built around the Register. At its beginning there was clear opposition to the UN generating anything in the security field that could be seen as independent. This has changed, and the Register was the occasion for the start of this movement.

³ . Malcolm Chalmers and Owen Greene. "The UN Register of Conventional Arms: A Progress Report." *Disarmament Diplomacy*, Issue 35(February 1999). This article, along with all the BARS reports, can be found on the internet at <http://www.brad.ac.uk/acad/peace/bars.html>.

Unfulfilled Objectives and Symptoms of Stagnation

The BARS series and the author's own assessment reveal the following signs of deficiencies of the Register that appear to reflect a stagnation or leveling off of progress.

- Despite pleas since the beginning of the Register for the reporting of "nil" situations, i.e., no arms in the seven categories were transferred or produced, only incremental progress has been made in getting the numerous "nil" states to report. In some cases these states hold weapons in these seven categories but still do not report this to the Register.
- Participation is high among states already belonging to organizations which support other CBMs. The Register is therefore only an incremental and natural action to take, not necessarily a sign of a shift to a new norm.
- One of the critical uses of the Register is documenting the exports of the major exporters to regions of tension. Almost without exception, all of the major weapons held and used in zones of conflict were imported into the region. While Chalmers and Greene conclude that the Register "provides substantial information on exports to regions of tension," these exports are a fraction of the weapons actually arriving in the region. While one reason for this may be illicit trafficking, another major reason for this deficiency is that the bulk of the weapons used in these conflicts are small arms and light weapons not covered by the Register.
- Significant discrepancies continue to plague the data concerning the imports and exports of various states. Despite annual publication by BARS and others in civil society of these discrepancies, little has been done by the states themselves to address this deficiency, especially at the multilateral level. The norm of transparency has advanced in terms of initial reporting of data, but not to the level where it is deemed important to get it right. As a result, the confidence-building envisioned by the Register has had only limited success.
- Significant resistance exists in reporting military holdings data, especially with those states in regions where such data really matter, i.e., regions of potential conflict. Even in those states considered "core" participants, there is a reluctance to report military holdings data that relate to weapons deemed critical to operational readiness (e.g., missiles).
- Many states in critical conflict-prone regions of the world do not participate very much in Register (e.g., Africa and the Middle East). Furthermore, there is little indication that the data provided by states exporting weapons into these areas has been used to prevent or ameliorate conflict in these regions (e.g., Angola, Eritrea-Ethiopia, Peru-Ecuador). Because the Register only records transfers *ex-post facto*, and has to date not succeeded in convincing states in conflict zones to report holdings, there is little opportunity so far to use the Register in an early warning mode.
- While it is true that some claim can be made that a norm of transparency is emerging, this progress must be put in the context of the overall movement toward globalization that has occurred simultaneously with the life of the Register. States in general have become more transparent, in order to compete in the global economy. These habits of

transparency have begun to spill over into the security sector as well, especially since the Cold War environment of secrecy and mistrust ended. In this context, states should be doing much better in submitting data to the Register.

- In the first few years of the Register, a great deal of attention was paid to the promise that the Register would lead to a broader cooperative security regime. To the extent that this has not happened, the coverage of the Register in academia and the press has declined significantly. The issuance of the annual UN report is more often greeted with a yawn, not the excitement of the earlier years. A certain pessimism has set in, encouraging the believe that we are back to the old days when the question of conventional arms transfers was deemed too difficult to be dealt with by the international community. (See review of the literature- forthcoming).

- Since the early days of the Register, Egypt has led a group of states which have insisted that the Register must include weapons of mass destruction. Since the NPT was extended indefinitely in 1995, with the Middle East highlighted at that conference, Egypt has stepped up the pressure. This culminated in a General Assembly resolutions in 1997, 1998 and 1999 calling for weapons of mass destruction and the transfer of high technology with military applications to be covered by the Register. The resolution passed with Yes votes totaling 98, 104 and 97 votes respectively, with 45, 46 and 48 No votes. This has had the effect of lessening even further the support for the Register as it now is operating.

III. Factors Influencing Register Implementation to Date

It is clear that despite the significant progress made to date, many of the original objectives of the Register have gone unfulfilled. Further, it appears that stagnation has begun to set in and states have begun to lose enthusiasm for this important instrument of cooperative security. For the first time in the history of the Register, there has been a decline in the number of states reporting to the Register at the requisite time. As of November 14 1999, only 77 states have sent in replies, compared to 90 in 1997 and 95 in 1998 at this same time period. Even if this number rises, and it has slightly, it would not be an exaggeration to say that states are placing less importance on the Register.

The current UN approach to developing the Register and enhancing its role in cooperative security is to continue to urge states to participate and hold a review every 2-3 years. This is not working. The 1994 and 1997 report of a group of governmental experts on the continuing operation of the Register and its further development demonstrated that merely putting together a group of experts and hoping that the accumulated experience of the Register would provide the impetus for expansion and further development is unrealistic. If anything, the longer the Register continues in the status quo, the more likely that inertia will set in and no further development will occur. Such evaluation must be done more critically, with an eye toward identifying those factors which are responsible for the stagnation of the Register.

In order for the Register to move forward and accomplish the original goals established in 1992, the causes for the incomplete implementation of the Register must be identified. States contemplating unilateral, bilateral, or multilateral action to enhance the operation of the Register, further its development, and most importantly begin to use it more effectively for confidence-building and conflict prevention efforts, must first investigate why the Register has performed as it has to date, and support a more thorough evaluation of the root causes of the current level of performance. Some of these causal factors may not prove to be useful, since they are situational variables that states can do little about (e.g., sovereignty). Other factors may reveal a plan of action that can improve the Register (e.g., organization and behavior of UN Secretariat). The development of a plan of action must be based on a more pragmatic conceptual basis. It is to such an evaluation that we now turn, by examining those factors that have influenced the implementation of the Register.

Source of Register Process

Often the explanation for the level of implementation of a policy lies with the origination of the policy itself. In the case of the Register there are several aspects of the origin and mandate of the Register that bear on the current level of participation, use and lack of development of the Register.

The Register was created at a very unique moment in history, when the states which had supplied Iraq with its arsenal had to admit that the aggression on Kuwait could not have occurred without this modern arsenal, most of it supplied by the five permanent members of the UN Security Council. This "guilty conscience" rationale was short-lived. Almost all of the group of experts who met in 1994 to review the Register agreed that if it were suggested in 1994, no consensus would have existed for its creation.

It must be remembered that the Register was the *only* multilateral effort to survive among many other efforts to deal with the reality of arms transfers and the Gulf War. In this context, the Register was seen by many states as a glass half-empty, i.e., the most acceptable among a host of unacceptable efforts to restrain arms transfers. Historically the international community has been unable to create multilateral mechanisms to deal with the negative effects of arms transfers and buildups. The Gulf War provided a momentary burst of activity which soon reverted to the status quo. The sovereign right of states to acquire weapons, and the difficulty in firmly establishing a link between arms buildups *per se* and conflict reasserted themselves as primary factors governing how states dealt with the arms trade.

The Register was always an idea promoted by the northern states. In general, at this time and throughout the Cold War, the resistance to multilateral mechanisms that would restrain arms transfers was felt more by the southern states than other states. Southern states tended to view these efforts as yet another way that the north exploited the south, except that this time it hit at the major national interest of these states, their national security. The arm twisting that occurred at the creation of the Register (see the case of Egypt below) meant that

participation from the south would lag behind that of the north. That has proven to be the case.

The major arms producing and exporting country in the world, the United States, came in only at the very last minute. A decision had been taken to work against the idea of a Register in the First Committee in the fall of 1991. Only when it appeared that a resolution establishing a Register would have overwhelming support did the U.S. decide to go along with the idea. U.S. opposition to the Register surfaced throughout the first two review sessions in 1992 and 1994, as the U.S. sought to minimize the level of transparency, and opposed the Register developing into a full-blown cooperative security regime. Many states have pointed to this minimalist effort as hypocritical, providing them with a major excuse for masking the real reasons for their non-participation. This resulted in a lack of candor that has prevented states from directly confronting the real dilemmas involved in dealing with arms transfers and buildups.

The enabling TIA resolution pushed the difficult question of defining "excessive and destabilizing" off onto the Conference on Disarmament. They did not reach any consensus conclusions in this regard, leaving it up to an undefined consultative process to determine "excessive and destabilizing" in a specific case. However, the Register has no provisions for a consultative mechanism. Developing such a mechanism, especially after the original enthusiasm for the Register had waned, has proven to be an insurmountable obstacle to date.

Clarity of Register Procedures

Public policies can succeed or fail based on their clarity: how easy is it for states to understand what is expected of them? Are they made aware of deadlines and the importance of submitting data? On this factor, the Register gets mixed reviews.

Like any consensus document, there are some aspects of the operation of the Register that require interpretation. In the beginning, the UN office responsible for receiving and publicizing the data, at that time the Centre for Disarmament Affairs (CDA), was reluctant to act as anything other than a post office. The Cold War dictum against the UN producing any independent information on security matters still held sway. By 1994 this had loosened a bit and the group reviewing the Register stated that if states needed assistance to CDA was authorized to "advise Member States on technical aspects of participation in the Register." (1994 Group of Experts Report, A/49/316, p. 22). The UN CDA has also published a manual on submitting data to the Register. In the 1997 review of the Register the UN DDA received an excellent evaluation of its work in this regard. "The Group expressed satisfaction at the manner in which the Centre for Disarmament Affairs had carried out the mandate entrusted to the Secretariat. The Group noted the importance of the role of the Secretariat in giving advice to Member states, when requested, on technical aspects of completing reports to the Register and in clarifying technical ambiguities in reports submitted."⁴

⁴ . United Nations. *Report on the continuing operation of the United Nations Register of Conventional Arms and its further development*. A/52/316. 29 August 1997, p.23.

In the early days of the Register, the concept of transparency met resistance from some states and for others it seemed irrelevant, since many states do not either import or export weapons in the seven categories of the Register. Given the initial reluctance of the UN CDA to proactively encourage and enhance participation in the Register, the gap was filled by the OECD states which supported the Register process. As the Register became more regularized, one would have expected the Secretariat to play more of a role in reminding states of deadlines and the importance of submitting data. Despite the formal acknowledgement that the UN secretariat can play a vital role in this regard (see above), it has to date not met these expectations to the fullest.

Capacity of states to participate in Register

One measure of participation is the submitting of relevant data in accordance with the procedures of the Register. In the early days of the Register, many states struggling with the past Cold War transition period found it difficult to establish information systems that would allow them to know what was being exported and imported. This is much less the case today, and very few states can now make this claim. Even independent arms brokers are being subjected to the attention of the international community. Given the nature of communications capacity now shared by all states, and the mandate given the UN DDA to provide technical assistance, few states can cite a lack of capacity as the reason for non-participation.

Some cooperative security regimes fail due to a lack of resources. For example, in the case of the CFE Treaty, some states were delayed in meeting their destruction goals because they did not have the funds to complete the tasks. This is clearly not the case with the Register. All costs of collecting and publishing data are borne by the UN.

Support for the Register from States

The implementation of any public policy initiative, such as the Register, will depend in part on which states are likely to support or oppose the policy. What resources do they bring to bear on insuring the success, or failure, of the Register? What is the intensity and duration of either their commitment or opposition? Several examples serve as guides to the further development of the Register.

In the first few years of the Register, regional organizations such as the European Union, and the OSCE, as well as OECD supporter states of the Register systematically reminded and encouraged states, especially those from the south, of the importance of participation in the Register. In the period 1996-97, the UN Department of Disarmament Affairs did issue informal reminders to submit, as has been the case in the past. The enthusiasm for the Register has waned, perhaps due to the leveling off or stagnation of the

Register, as well as the rise of other issues, such that of light weapons. Chalmers and Greene point to this as one explanation for the drop in participation in the last round of submissions.⁵

The current absence of China from participation in the Register can be explained in part by its lukewarm support for the Register from its inception. China did not participate in the 150-0 vote creating the Register. In several informal conversations with the author, the Chinese representatives to the first two panels made it clear that transparency ran counter to a basic tenet of Chinese security policy. They suggested that, secrecy and misperception represented a very cost-effective mean by which to defend one's country. This was one of the main principles espoused by the Chinese strategist Sun Tzu and has an understandably major impact on Chinese thinking (and on many other countries as well!) The United States has done little to convince Chinese authorities that the norm of transparency hold any benefit to China. In both of the first two panels (1992 and 1994) the hostility between the two countries was undisguised. The publication of the first-ever Chinese White Paper on defense and security received little positive reaction from the United States. Finally, conversations with Chinese officials in the past year make it clear that they felt that the failure of the Register to stem the flow of arms trade represented another reason why they questioned the need to participate. In this regard, the listing in the Register by the United States of its sales to Taiwan and the subsequent withdrawal of China for "political" reasons, fits a pattern: a combination of weak support from the beginning by China and the United States, and hostile relations between China and the United States. Getting China back to participating in the Register must be based on these deep-seated realities and not some gimmick.

The case of Egypt's failure to participate, and the active opposition they encountered regarding the registration of nuclear weapons, can also be related to a lack of support for the Register. The eventual chair of the first Panel of Governmental Experts in 1992, and floor leader within the General Assembly that created the Register in the fall of 1991, Dutch Ambassador Hendrik Wagenmakers, wacked vigourously with the Egyptian delegation in order to get them on board for the vote of approval for the TIA resolution. He assured them that the Register "will, in due course, contain data and information on military outlays as well as aggregate military force structure and figures, and will include weapons of mass destruction."⁶ Within months Egyptian officials were reporting to this author and others that it was clear that despite Wagenmaker's assurances, there existed little support for their goal of making weapons of mass destruction transparent. The shallow base of support to this idea was insufficient to encourage Egypt participating after the first year.

Many other examples could be given. The point is that when fashioning a set of policies designed to move the Register forward from its current impasse, one would do well

⁵ . Malcolm Chalmers and Owen Greene, *In Need of Attention: The UN Register in Its Seventh Year*. Bradford University: BARS Working Paper 7, February 2000.

⁶ . Hendrik Wagenmakers, "The UN Register of Conventional Arms: A New Instrument for Cooperative Security." *Arms Control Today*, (April 1993), pp. 16-21.

to consider the level of initial support on the part of key players, supporters and opponents alike.

Incentives for states to participate

The Register is an instrument of cooperative security which must provide incentives for states to participate. The most effective incentive would be that it is in the national interest of states to provide data. The leading supporters of the Register initially participated because they were seeking to prevent a re-run of the Gulf War, which they viewed as a disaster caused in part because of excessive and destabilizing transfers of arms to Iraq. Other states have participated because they felt that it was in their national interest to be seen as a cooperative state in an emerging post-Cold War system that was becoming more like a cooperative security regime. Once the Register became a regular occurrence, the incentives shifted to one of inertia, with states not willing to be seen as "defectors" from an emerging cooperative security system. Some states began to participate because they thought that the Register would restrain arms flows and/or assist in the prevention of armed conflicts. To the extent that these latter goals have not been achieved, states have less incentive to participate. The "inertia" incentive is still a powerful one but as other promised developments fail to occur, it is an incentive that can sustain only a certain and perhaps reduced level of participation.

Time

As the Register got underway, the disappointing level of participation in the first few years could always be blamed on the need for more time. The phrase "these are early days" rolled off the lips of many a supporter of the Register. Eight years later these are not "early days," at least in terms of states overcoming domestic opposition and lack of capacity to submit the requested data. It has become clear that more time, in and of itself, will not see growth in either the level of submission or the use of the data submitted. This can be seen in the fact that the enabling General Assembly resolution in 1991 called for a 1992 group of experts to expand the scope of the Register. Two groups later (1994 and 1997), no such movement has occurred. To complicate matters, the passage of time has seen an increase in arms transfers. The fact that these transfers are now public information is not enough for many states.

Change in social condition

It is ironic that the type of situation that prompted the creation of the Register, i.e., excessive and destabilizing accumulations of major weapons systems leading to an interstate war, has declined in frequency to the point where such counts viewed by many as an aberration when they occur. Several interstate wars fought with weapons covered by the Register have occurred (e.g., Ethiopia-Eritrea and Ecuador-Peru), but in general the conflicts raging throughout the world are being fought with small arms and light weapons. This class

of weapon was not seriously considered by the creators of the Register, since they only played a minor role in the Gulf War. Also, there was an emphasis on those weapons that could be considered "offensive" when designing the initial categories. Furthermore, the characteristics of weapons in this class mitigate against their inclusion in the Register. They are inexpensive, small and often transferred without the knowledge of governments. The world is awash in surplus weapons held and transferred by non-state actors.

IV. Underdeveloped program theory

The above factors provide many entry points for fashioning policy actions which can have an immediate impact on the Register. But most of these changes will have only incremental impact, since the major factor which has prevented the Register from achieving its goals is a lack of consensus on how the Register is supposed to work. Every public policy should be based on what some call a "program theory." That is, if the policy is implemented, then certain outcomes are more likely. One of the major reasons that the Register has now reached a plateau short of expectations is an underdeveloped theory of how such an instrument was supposed to accomplish its goals of building trust, and confidence, lowering misperceptions, avoiding excessive and destabilizing accumulations of arms and preventing armed conflict.

Transparency

The name of the enabling resolution for the Register is "Transparency in Armaments." Despite the popularity of this concept with many governments at the time the Register was founded, the concept of transparency was very new and not well understood. The literature dealing with this concept was scarce, as it was with cooperative security as a whole. Since the early 1990s scholars and practitioners have spent a lot of time developing the concept, including specific references to the Register. A brief review of that literature provides some insights which are important in understanding and taking into account this next phase of enhancing and developing the Register.

Antonia Handler Chayes and Abram Chayes (hereafter referred to as Chayes and Chayes), long time academics and practitioners in the field of security affairs, were the first to develop this concept as it relates to cooperative security. Their first major work was a chapter in the book *Global Engagement* in 1995. In their chapter "Regime Architecture: Elements and Principles" they put forth a framework with five elements: a strong normative base, inclusiveness and nondiscrimination, transparency, regime management, and sanctions.

Transparency is defined as follows:

"Transparency induces compliance in a variety of ways. It serves the functions of coordination, reassurance and deterrence. More important, to the extent that the system is open to scrutiny, it gains legitimacy, for participants can see that it is not being subverted.

The main source of information will necessarily be the self-reporting of the parties, subject to evaluation, checking, and independent verification."⁷

Obviously they were ahead of their time when it came to the Register, as the architects of the Register went out of their way to avoid concepts such as "independent verification." This was not to be an arms control exercise. Later in this chapter Chayes and Chayes made a giant leap when they concluded that if the Register had been in existence after the Gulf War, "the United States and other arms suppliers would have faced a requirement to account systematically for the divergence between their actions and their repeated commitments to restraint."⁸ This conclusion does represent the view of the major supporting states and was a primary driving factor in developing the Register. However, the further away in time from the Gulf War, the less that governments believed it to be true. In the spring of 1994, a major conference was held in Monterey, with both the group of governmental experts and outside experts from civil society in attendance. A Chayes and Chayes paper was presented which developed a comprehensive cooperative security scheme built around the Register.⁹ The response from governments, even the major supporters of the Register, was strong and negative. Just two years out from the creation of the Register, it was painfully obvious that the concept of transparency was in the eye of the beholder, especially as it applied to achieving the goals of the Register.

A recent paper by Ronald B. Mitchell shows how far we have come in understanding the concept of transparency. In *Transparency's Three Paths of Influence*, Mitchell develops three types of transparency that are operative in regimes.¹⁰ The first is *transparency as monitoring*, in which it is assumed that there are norms and a regulatory regime of some kind. In this model, transparency provides the information for sanctions and rewards. As with Chayes and Chayes above, this does not appear to apply to the Register. The second model of transparency he terms *mobilizing latent responders*, in which information systems are used to disseminate information to actors who are not actively engaged in or concerned about the operation of the regime. This allows, for example, NGOs to put pressure on states to conform to the Register. This understanding seems more applicable to the reality of the Register. The third type of transparency is *facilitating rational choice*, where information serves to make inadequate performers aware of their shortcomings and hopefully influence their decision to begin performing as expected. This would seem to apply to several aspects of current Register performance. First, an effort can be made to use the Register data to bring in those not now participating or participating in a minimal fashion. Second, the infamous

⁷ . Antonia Handler Chayes and Abram Chayes. "'Regime Architecture: Elements and Principles.'" In Janne Nolan (ed.) *Global Engagement* (Washington: The Brookings Institution, 1995), pp. 66-67.

⁸ . *Ibid.*, p. 82.

⁹ . Antonia Handler Chayes and Abram Chayes. "The UN Register, transparency and cooperative security." In Malcolm Chalmers *et. al.* *Developing the UN Register of Conventional Arms*. Bradford Arms Register Studies No. 4, pp. 197-224.

¹⁰ . Ronald B. Mitchell. *Transparency's Three Paths of Influence*. Paper presented to the annual meeting of the International Studies Association. Los Angeles, March 2000.

discrepancies in reporting make very transparent a lack of policy consensus. Such transparency could be used to bring states together on this issue as well.

It seems appropriate to suggest that states contemplating action to improve the Register would do well to think of transparency more in line with the latter two models, not the first or the definition proposed by Chayes and Chayes.

A final work on transparency may also be useful to policymakers working on revamping the Register. In her article "The End of Secrecy," Ann Florini has addressed the pros and cons of transparency.¹¹ While she does mention the Register, her major contribution is a list of problems with transparency, or put another way, a defense of opacity. They represent a check list that can be used to explain why some states do not submit data to the Register, and why it has not progressed beyond the reporting stage as an instrument for preventing conflict and restraining arms buildups.

"In the absence of universally shared, or at least mutually compatible norms, transparency will aggravate conflict."¹² The example Florini uses is the possession of nuclear weapons by Israel. "The costs to the nonproliferation regime of forcing the issue are higher the benefits." As will be discussed below, there are no mutually shared norms in terms of what compromises an excessive and destabilizing buildup of arms. Furthermore, providing information in such an environment may be self-defeating. In an interview with the then delegate from a Middle Eastern country whose country has not submitted background information on military holdings, the interviewee put it this way: "We will go along with transfers, since if we see that this is against our interests we can stop. As for military holdings, once we submit them they are forever. In our neighborhood, we cannot afford to do this." One of India's leading and most influential strategic thinkers said: "There are diverse causes of armed conflicts between states. It can be also argued that transparency may, in fact encourage aggression since it will expose the military weaknesses of another state. This is one reason why the majority of states are shy of transparency in armaments and military postures."¹³

"Some secrets are legitimately worth protecting". This is the case with the missile category of the Register. Florini notes that even major supporters of the Register have not provided complete information in this category, especially with regards to numbers.

"Information can easily be misused or misinterpreted. Transparency reveals behavior, but not intent." An example of this is the recent case of China's ceasing to report

¹¹ . Ann Florini. "The End of Secrecy." *Foreign Policy*, 111(Summer 1998), pp. 50-64.

¹² . The quotations leading off each of the following paragraphs come from Florini, *ibid*.

¹³ . Jasjit Singh. "The UN Register: Transparency and the Promotion of Conflict Prevention and Restraint." In Malcolm Chalmers, Owen Greene and Mitsuro Donowaki (eds.). *Developing Arms Transparency: The Future of the UN Register*. Bradford Arms Register Studies No. 7, 1997, p. 134.

data to the Register. Even if we give the United States the benefit of the doubt (that their submission of data on exports to Taiwan was an attempt to be completely transparent), subsequent Chinese actions show how such data can be misused. The data in question is very public; however Chinese authorities used it not as a opportunity for transparency but as a pretext for stopping their participation in the Register.

"Even if all conditions are right, transparency does not always work. Knowing that someone is watching you does not necessarily make you change your behavior." In the case of the Register, this is further complicated by the fact that the "theory" behind the Register did not make explicit the behavior that was expected. That was to be left to those states and institutions which would use the information.

Florini finishes her treatment of transparency by stating that for all of these reasons, plus a natural tendency for states to shy away from public scrutiny, "an irreversible global move to regulation by revelation remains far from assured." This is especially true in security matters.

To summarize, it can be said that many states are reluctant to participate fully because they believe that transparency measures run counter to the most effective means of defending their countries, that of secrecy. For these states, the risks of transparency outweigh the potential benefits (that is, the building of trust and confidence that will lead to lowering the potential for armed conflict). This feeling is exacerbated by the absence of any concrete use of the data in multilateral consultative fora.

Transparency and Conventional Arms Control

A second major issue that was inadequately addressed when the Register was created was that using transparency as the basis for arms control is very different from the approaches that were used during the Cold War. For most of this period the only arms control that existed, for example in dealing with the negative consequences of the arms trade, was unilateral. Supplier states made their own assessments as to what exports would be destabilizing and controlled them at the national level.¹⁴ As for those multilateral attempts at conventional arms control in the cold war (e.g., the U.S.-USSR CAT talks, COCOM, MTCR), they were mainly attempts by suppliers to prevent an acquisition from occurring in the first place.

In both the unilateral (e.g., national export controls) and multilateral (e.g., supplier regimes) approaches to arms control, the policy action occurs *prior to* the integration of the armaments into another state's national arsenal, and therefore prior to the actual addition of a military capability that might presumably lead to a destabilization of the military balance.

¹⁴ . For a thorough treatment of this unilateral approach, see Edward J. Laurance, footnote 16.

However, any policy or decision to prevent such a transfer, especially if it has significant economic implications, is difficult to accomplish.

The transparency model is fundamentally different from the unilateral and multilateral models. First, it is a confidence-building and cooperative effort, in contrast to unilateral or most multilateral approaches which are based on discrimination. Negotiated, cooperative transparency represents an effort to reduce mistrust, misperception and miscalculation of another country's intentions in the field of military security and, if possible, to build partnership and trust. Second, the operating principle of this model is that negative effects of arms buildups cannot be determined *until* (not before) a military balance is developed (or developing) in the first place. This means that any arms control efforts will necessarily occur later in the arms buildup pattern. It also means that any mechanism designed to deal with these buildups must also take into account both where a state begins its buildup (i.e., which holdings are affected) as well as what it acquires through national production together with imports. It is important that an arms register develop data which will allow the assessment of the evolving military balance. Furthermore, these states can then use these data to ameliorate any misperceptions that might arise and thereby prevent arms buildups from leading to conflict.

The specific problem of data on military holdings

This second underdeveloped concept led to a third issue, that of the role that military holdings data would play in accomplishing the goals of the Register. In a sense there was an implicit understanding that this data was more sensitive, since only transfers were included in the original design as data to be submitted through a set of procedures and forms. Military holdings were to be "background information."

It was also clear from the beginning that there was no consensus on how this data was to be treated in the full development of the Register as a confidence building mechanism. The author of this study first experienced the problem with military holdings data as part of the Register process during the 1994 review of the Register. In the final days of deliberations, the major arms producing states had agreed to make their military holdings transparent, if the developing states in the group would agree to do the same. Forms and procedures for the submission of data on military holdings had been drafted by the author in his role as consultant to the panel, per instructions from the chair. Most of the developing states were from areas of tension and conflict where security concerns were significant. When these latter states explained that they could not do this, given the current security concerns, the arms producing states withdrew their offer to bring this type of data up to the level of reporting that existed for arms transfers. The review therefore ended with no progress on expanding reporting of military holdings.

Some have interpreted this as a political row that had much to do with personalities and other factors endemic to that particular set of representatives. However, the reason for

this impasse, which continues to this day, is much deeper and important to understand as states seek ways to improve and enhance the Register.

The first critical factor contributing to this impasse is that the issue of military holdings go at the heart of the security concerns of states, and that data submitted in this category, if at all, will be at a different level than either transfers or procurement through national production. As the Middle Eastern representative stated above, military holdings data, once submitted, are forever. A second factor is that military holdings data, in the context of transparency and confidence building, only make sense at the local or regional level. Continuing the debate on this point only exacerbates the north-south tensions. It is disingenuous for states from the north to continue insisting that states from conflict regions must duplicate what many arms producing states have done, and submit their holdings data. Making public the number of tanks in the U.S., French or Canadian inventory has no bearing on confidence building or conflict prevention, which will occur in areas far from the U.S., France or Canada. These arms producing states should continue to submit such data, perhaps to set a general example. But they should not be under any illusions that this is easy for states in conflict regions. In any event, most military holdings are known through national intelligence means. Furthermore, they cannot be changed in the short run through CBMs or negotiations. It is interesting to note that the recently promulgated Inter-American Convention on Transparency in Conventional Weapons Acquisitions, a major initiative of the Canadian government, does not include data on military holdings. This is an implicit recognition of the sensitivity of such data, and that even when a Register is "regionalized", there are limits to transparency measures.

V. Conceptual framework to guide further development of the Register¹⁵

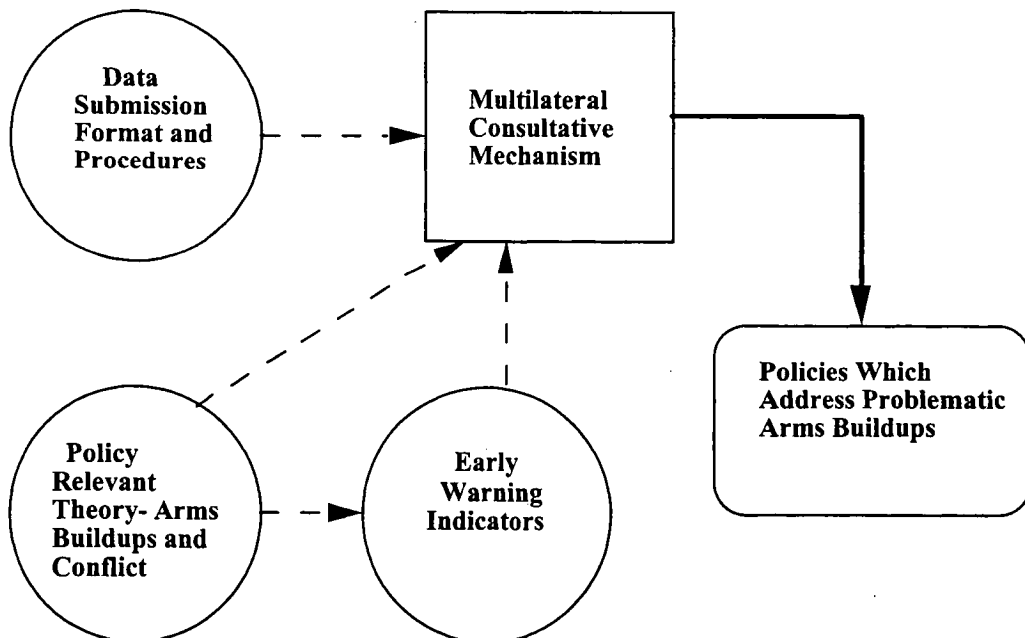
The above discussion of transparency and military holdings was intended to demonstrate that the current lack of progress in expanding the scope and utility of the Register is due in part to an incomplete and underdeveloped understanding of how these two concepts relate to the operation of the Register at the global level. There are other conceptual misunderstandings as well, including how the presence of a consultative mechanism and early warning contributes to a more comprehensive cooperative security system that could make more effective use of data generated by the Register.

¹⁵ . The following is based on Edward J. Laurance, "A Conceptual framework for arms trade transparency in South-East Asia." In Bates Gill and J.N. Mak (eds.), *Arms Transparency and Security in South-East Asia*. SIPRI Research Report No. 13. (Oxford: Oxford University Press, 1997), pp. 10-24. While it is not new research conducted for this specific report, it is a critical element to the overall analysis of the Register. Also, other than the SIPRI report, it has not received very wide distribution. For these reasons this work is summarized here and integrated into the report.

This situation has been exacerbated in the several reviews of the Register by not addressing this issue head-on. Not all arms buildups lead to conflict, but some do, with disastrous impacts on peace and security. This lack of frank discussion results in the Register being viewed by skeptical states as an attempt to diminish their security through disarmament. The Register therefore remains at the level of submitting data for the sake of submitting data and getting bonus points for good international behavior.

What this points to is the need to address these questions directly. To this end, what follows is a conceptual framework outlining how a transparency instrument such as a Register can theoretically prevent arms buildups from leading to conflict. Given the above comments on military holdings, such a framework can only truly be developed at the regional or sub-regional level. This conceptual framework is made up of five components. First, militarily relevant data is made transparent by national governments in the region. Second, states must develop a consensus as to the linkage between arms buildups and conflict. This should be in the form of some general policy-relevant theory about what types and quantities of armaments will lead to instability and conflict. The third component, flowing from the second, is the development of a set of early warning indicators, a set of questions that can be asked of states acquiring armaments that their neighbors might find troubling. The fourth component is a multilateral institution or consultative mechanism where the data, policy-relevant theory and early warning indicators can be addressed by the member states. The fifth component of this framework is the actual policy decisions that address the problematic arms buildups.

THEORETICAL FRAMEWORK FOR AN ARMS REGISTER AS A CONFIDENCE-BUILDING MEASURE



Component One- Data Submission Format and Procedures

The experience to date of the UN Register of Conventional Arms has demonstrated that it is possible for states to agree on a system of reporting that can produce publicly available data that can be used in addressing arms buildups and the threat of armed conflict. As indicated in the discussion so far in this study, certain types of data are more sensitive than others. But the general idea of data production has been demonstrated as feasible. In the view of this author, however, there are limits to how far states will go in submitting data in the absence of other elements of a system that can put these data to good use. It is to these other elements that we now turn.

Component Two- From arms buildups to instability and conflict: policy-relevant theory

Before devising policies for controlling the negative effects of arms buildups through arms control and other approaches (the fifth component of this framework), analysts must first deal with the critical issue of the linkage between arms buildups and conflict.¹⁶ The debates during the Cold War did not resolve this question and as a result there was no agreement that anything other than unilateral control of arms exports was necessary.¹⁷ This is not to say that those suppliers who did exercise constraint during the Cold War (most did) did not contribute to our knowledge of when arms acquisitions can be excessive or destabilizing. For example, the United States held back selling F-16 fighter aircraft to South Korea during the late 1970s for fear that North Korea would go back to its patron the USSR for the comparable Mig-23, the end result being a higher level of military capability on the peninsula and renewed strategic access for the USSR. During the same period the United States withheld high technology systems such as the AWACs and the electronic countermeasures aircraft "the Wild Weasel" from Iran, for fear that the shaky Iranian government would fall and American forces would have to face this equipment. And there were many examples of supplier states refusing to sell arms to countries engaged in civil war, for fear of pouring gasoline on a raging fire. In all of these cases we learned a great deal about the linkage between arms and conflict, which evolved into a list of negative consequences of arms acquisitions. But since there were no multilateral institutions which dealt with the problem of conventional arms transfers and their effects on conflict, the lessons were not internationalized.

¹⁶ For an in-depth analysis see Michael Brzoska and Frederick S. Pearson, Arms and Warfare, Escalation, De-escalation, Negotiation (Columbia, SC: University of South Carolina Press, 1994).

¹⁷ For a discussion of the dominance of unilateral over multilateral approaches to controlling the international arms trade during the Cold War, see Edward J. Laurance, "Reducing the Negative Consequences of Arms Transfers Through Unilateral Arms Control." in Bennett Ramberg, ed., Arms Control Without Negotiation: From the Cold War to the New World Order. (Boulder: Lynne Rienner Publishers, 1993), pp. 175-198.

The Gulf war changed all this. For the first time the international community talked in terms of an "excessive and destabilizing accumulation of conventional arms." A crude model of how arms imports and/or indigenous production (i.e., buildups) can lead to destabilization and eventually armed conflict has subsequently emerged.

Arms buildups are the result of policy decisions by both arms suppliers and recipients. Supplier states use a variety of military, political and economic rationales in exporting armaments to states. Similarly, there are a variety of demand factors in recipient states that lead to their acquisition of armaments. Additionally, some recipient states have indigenous production through which they acquire additional armaments. The result is that at any given time two states have military capabilities which are a function of acquired armaments, modified by both force multipliers (e.g., command and control capabilities), and factors such as personnel, maintenance and doctrine which can sometimes result in less capability than represented in the armaments themselves.¹⁸

Determining military balances is only a first step, as even larger analytical tasks remain, such as determining when an arms buildup is "excessive and destabilizing," when a particular type of weapon system is destabilizing, or when deployment of particular types of weapons, deployed in a particular manner, enhances the likelihood of conflict. Sislin and Mussington have identified at least six characteristics of military acquisitions, buildups and subsequent balances which increase the likelihood of producing destabilizing conditions.¹⁹ The arms control task is nothing less than one of developing multilateral early warning indicators and a consultative mechanism which can assess when these indicators point to conflict.

Complicating this analytical task is the reality that military balances are always part of a larger economic and political context. There are a set of objective contextual factors which determine how the military balance will contribute to destabilization and conflict, if at all. These factors comprise the well-known set of established "root causes of war" which in most cases will explain conflict more completely than the military balance. Also included in determining a military balance are the perceptions of the parties involved. History is replete with examples of states which launched preemptive attacks on an enemy after having misperceived either its capabilities or its intentions. Similarly, military capabilities and balances have been miscalculated and allowed aggressor states to start wars. The history of national security and preparing to defend one's state is the history of trying to determine how

¹⁸. For a complete discussion of these modifiers see Edward J. Laurance, The International Arms Trade (New York: Lexington Books, 1992), pp. 16-40.

¹⁹. Specifically, destabilization and conflict are more likely when armaments and equipment are acquired which by their intrinsic nature lead to any of the following: Decreased warning time, provision of breakthrough capabilities, no effective defense against the weapon, one side gaining transparency of other side's military preparations, a broadening of target sets, and engendering of hostile feelings. David Mussington and John Sislin, "Defining Destabilizing Arms Acquisitions," Jane's Intelligence Review, Vol. 17, No. 2 (February 1995), pp. 88-90.

all of the factors, including the military balance, might combine to lead a rival or neighboring state to engage in armed attack.

Focusing on this linkage between arms buildups and conflict also reveals other realities. First, unlike weapons of mass destruction (chemical and nuclear), there are no international legal instruments which control either the production of or trade in these weapons. The laws that govern conventional arms buildups are national in scope, with the exception of Articles 2(4) and 51 of the U.N. Charter, which establish that no state may interfere in the affairs of another and that every state has a right to defend itself. There is no internationally agreed upon legal limit to the level at which a state arm itself with conventional weapons. Second, arms buildups in most cases do *not* lead to conflict, since they may create stability (mutual deterrence), or they may exist in a political context where little reason for armed conflict exists, making arms buildups and subsequent balances benign. The dilemma for both national and international policymakers is that on occasion (e.g., Gulf war) arms buildups *do* play a major role in the outbreak, conduct and termination of armed interstate conflict. In the case of the Iraqi invasion of Kuwait and the subsequent response by the international community, the cost was extremely high in terms of conducting the war as well as the damage caused to the Iraqi infrastructure and the sudden collapse of economies in neighboring countries dependent on Iraq's economy. It is the prevention of this type of situation that has prompted most of the arms control efforts, subsequent to the Gulf war.

Component Three- Early warning indicators

Assuming that outside experts, states or multilateral institutions begin to deal with the policy-relevant issues discussed above, their efforts must eventually lead to a set of concrete indicators or questions that would serve to alert the members of a regional register that a troublesome buildup is occurring. The previously mentioned variables developed by Mussington and Sislin are an example. Their questions are extensive enough that the answers should provide the context in which the implications of an acquisition can be evaluated. For example, while very few acquisitions can be labeled "offensive" or "defensive", select questions can provide answers which can assist member states in evaluating this important issue. The acquisition of major items such as main battle tanks, missile boats or combat aircraft can be more or less destabilizing depending on the maintenance capability, spare parts and ammunition which accompanies the acquisition. Military capability is more than just an inventory of end items. While it is highly unlikely that the data produced by member states in a register will ever take into account these factors, they will need to be addressed as part of the deliberations of the consultative mechanism, the fourth component of a register.

Component Four- Multilateral consultative mechanism

The development of a consultative mechanism comprises the fourth component of a register. In short, this mechanism will lead to the policy work which evaluates the data submitted by the member states. It may be used in the development of the early warning criteria which will guide its work, and will lead to the development and execution of those policies necessary to deal with buildups deemed by member states to be destabilizing.

A factor critical to the success of a register will be that of a multilateral institution where these data, policy relevant-theory and early warning indicators can be addressed. The story of the U.N. Register of Conventional Arms is instructive in terms of what it can tell us about the opportunities and pitfalls involved in building multilateral institutions to solve international security problems in the post-Cold War era. At first glance the Iraqi invasion of Kuwait seemed to prod the global system into a confidence-building mechanism which required states to make public information on the arms they had exported and imported in the seven major categories of armaments. Some countries released this information despite facing serious security situations at their borders, fully expecting the development of a serious, functional international institution consultative mechanism that would allow a prudent and timely discussion of the data which had been made transparent. When it became clear that the major arms supplier states did not want such an institution, the overall zeal for the Register on the part of many countries dropped. No serious analysis was done on this aspect of the implementation of the Register, despite the fact that several existing institutions could have served in this role. Candidates included the U.N. Secretariat (the Office for Disarmament Affairs), the U.N. Disarmament Commission, the Conference on Disarmament, and the First Committee process itself.

Central to the development of a confidence-building mechanism is the ability to answer questions that come up as a result of information exchanges. An example from the U.N. Register illustrates this need. One of the rationales for the Register was the prevention of "excessive and destabilizing" accumulations of conventional arms. This condition, excessive and destabilizing, is mentioned three times in the resolution establishing the Register. But who or which body is to determine what constitutes "excessive and destabilizing?" The Conference on Disarmament was given the task of coming up with a general definition of this condition and, not unexpectedly, failed to do so. 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 buildups will confer, jawbone, cajole, threaten, and promise; in short they use the tools traditionally available to themselves. However, it would seem that the Gulf war and its immediate descendant, the U.N. Register, pushed the international community beyond such an approach. If one assumes that most of the Iraqi arms buildup was generally known by states, the "traditional diplomacy" method obviously failed. Additionally, it is assumed that if two states are at odds over an arms buildup, they will already have expended the effort needed (i.e., intelligence work) to acquire the needed information on holdings, recent acquisitions, deployments, etc. The problem

occurs when states have unequal intelligence gathering capabilities, or a buildup has regional implications.

What is needed is some sort of consultative mechanism which can go beyond the limits of 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 buildups, particularly if such a process is to be part of the U.N. system. A way has to be found whereby the questioning of buildups is not always a question of high politics but rather a part of confidence-building marked by more informal communications. A consultative mechanism could also regularize the determination of the terms "excessive and destabilizing" by developing a set of parameters to be used by non-governmental experts in rendering objective assessments of military balances. Gradually this body of experts could gain the confidence of states concerned. This consultative mechanism would have to insure that any party to any issue raised would be a participant. In sum, the consultative mechanism must be a setting or venue where issues can be raised and confidence built.

Component Five- Policies addressing arms buildups

It is clear that once a buildup has been identified as "excessive or destabilizing" by a multilateral consultative mechanism, policies must be developed and executed to deal with this situation. For example, the Conference on Security and Cooperation in Europe (CSCE) used the end of the Cold War to conclude that the levels and deployment of the arsenals which that existed were no longer needed. The result was the Conventional Forces in Europe (CFE) Treaty which saw the member states build down to agreed upon levels. The full range of policy tools would be available to the member states of the register, to include build-downs such as the CFE, the development of security alliances and other cooperative schemes which might lower the cost of national defense to all members, arms embargoes, development credits for disarmament, rules of engagement, etc. The policy selected would match the context and situation which existed.

VI. Weapons of Mass Destruction and the Register

When the Register was created in 1991, some states argued that weapons of mass destruction (WMD) should be included. As a result, in the enabling General Assembly Resolution 46/36L, the last preambular paragraph recognized "the importance of the prevention of the proliferation of nuclear weapons and other weapons of mass destruction." Additionally, in paragraph 13, the Conference on Disarmament was requested "to address the problems of, and the elaboration of practical means to increase openness and transparency related to the transfer of high technology with military applications and to weapons of mass destruction, in accordance with existing legal instruments." This was

compromise language that allowed a consensus to be reached on establishing a Register of conventional arms.

Six years later during the fall 1997 session of the General Assembly, and after three Groups of Experts had failed to take the issue of expanding the Register to include WMD any further, Egypt began to lead a coalition of non-aligned states (NAM) in a stepped-up effort to expand the Register to include "weapons of mass destruction, in particular nuclear weapons, and to transfers of equipment and technology directly related to the development and manufacture of such weapons". This has taken the form of a second resolution on Transparency in Armaments, in addition to the annual traditional resolution that calls for states to increase participation, etc. This second resolution is focused strictly on expanding the Register in these two categories, and is in direct conflict with the normal GA Resolution and its sponsors, that calls for continued support of the Register.

The 1999 version of this tactic was draft resolution A/C.1/54/L21, presented by Egypt to the First Committee on 22 October 1999, and adopted by a vote of 81 to 45, with 13 abstentions on a vote on 9 November 1999. It became General Assembly Resolution (GA Res.) 54/54/I, sponsored by Egypt, Myanmar, Niger, Saudi Arabia, Sudan and Swaziland. On 1 December 1999 three votes were taken on 54/54/I. Preambular paragraph 8 stressed "the need to achieve universality of the Treaty on the Non-Proliferation of Nuclear Weapons" and other treaties dealing with weapons of mass destruction, "with a view to realizing the goal of the total elimination of all weapons of mass destruction." All but India, Israel and Turkey voted in favor of this paragraph, despite the fact that the resolution was about transparency in conventional armaments. A second vote was taken on operative paragraph 4 (b), which "Requests the Secretary-General, with the assistance of the Group of Governmental Experts to be convened in the year 2000 and taking into account the views submitted by Member States, to report to the General Assembly at its fifty-fifth session on(b) the elaboration of practical means for the development of the Register in order to increase transparency related to weapons of mass destruction, in particular nuclear weapons, and to transfers of equipment and technology directly related to the development and manufacture of such weapons." For the first time, a group of governmental experts (the 2000 Group is the fourth such group to evaluate the Register) is charged with directly addressing the question of how weapons of mass destruction can be integrated into the Register.²⁰

Rationales and Sources of Support for Egyptian Action

There are several reasons why Egypt and the southern states began to seriously push the northern states on this issue in 1997. First, the NAM had a long history of voting to condemn Israel in a variety of formats. When Egypt approached them to focus more

²⁰ . The first three Groups of Experts (1992, 1994, and 1997) were pressured by Egypt to integrate WMD into the Register. But in the end Egypt and her supporters settled for general language that said in essence that controlling WMD and nuclear disarmament were very important to international peace and security.

specifically on what seemed like a technical issue, i.e., including WMD and its technology in the Register, there were few qualms and a great deal of support for what the NAM all knew was really a measure against Israel and her undeclared nuclear weapons. Most of the states speaking in favor of all three resolutions were Arab States. Mauritania, speaking for the Arab League on 2 September 1997, made a statement in support of the first such resolution in 1997. After three paragraphs of general arguments echoing Egypt's view that the promise to expand the Register has gone unfulfilled, paragraph 4 got to the core issues as seen by the Arab League:

"The Middle East region represents a case in point, where the qualitative imbalance in terms of armaments is so striking and where transparency and confidence can only come about in a balanced and comprehensive way. Applying transparency in the Middle East region to seven categories of conventional weapons, while ignoring more advanced, more sophisticated or more lethal armaments, such as weapons of mass destruction, is an approach that is neither balanced nor comprehensive. It will not lead to the desired results, particularly if the Register does not take into consideration the existing situation in the Middle East, where Israel continues its occupation of the Arab territories and its possession of the most lethal weapons of mass destruction and continues to be the only State in the region that is not yet party to the Treaty on the Non-Proliferation of Nuclear Weapons."²¹

Second, as mentioned above, Egypt had been unsuccessful in its many attempts to integrate WMD into the Register within the confines of the Group of Experts or the annual General Assembly resolution on transparency in armaments. In introducing the second 1997 resolution on Transparency in Armaments to the First Committee Egypt's UN representative put it this way:

"I am sure that all my colleagues here still remember that our agreement to establish the United Nations Register of Conventional Arms in the aftermath of the Gulf War was reached on the understanding that extensive efforts would be made to have weapons of mass destruction included in an expanded scope of the register. This understanding is clearly reflected in General Assembly resolution 46/36 L and in subsequent resolutions of the General Assembly on this item.

Despite repeated affirmations every year and despite extensive discussions of this subject in the panels of experts established by the Secretary-General in 1994 and 1997, respectively, no improvement has been achieved in this regard. For that reason, the sponsors felt it imperative to supplement the annual resolution adopted on this

²¹ . Report of the Secretary-General on the operation of the Register, A/52/312, 28 August 1997, submitted views of Member States, p. 71.

subject with another draft resolution stressing the relationship between those two aspects.²²

The sponsors of the draft resolution (*Egypt et. al.*) had hoped that their point of view would be incorporated in draft resolution A/C.1/52/L.43 (*the normal annual resolution on Transparency in Armaments*), but despite the negotiations conducted in a positive atmosphere with the sponsors of that resolution, they insisted on putting that draft to a vote on Friday. Therefore we find it necessary to present our draft today."²³

The negotiations referred to above had produced language in the normal transparency resolution for 1997 (GA Resolution 52/38 R) requesting "*Member States to provide the Secretary-General with their views on the continuing operation of the Register and its further development and on transparency measures related to weapons of mass destruction* (author's emphasis). Later in the debate the European Union representative took the floor to note the compromise highlighted above was agreed to by Egypt, only to be reversed later.

A third rationale was the assertion that there was a natural interrelationship between the transparency of conventional weapons and WMD. While supporters of the expansion resolution often made this assertion, very little supporting evidence or analysis was provided that would prove this relationship to be true.²⁴

A fourth rationale was the perception of discrimination on the part of northern states possessing a preponderant military capability against the weaker southern States. " It is no secret that states that are against transparency in the field of weapons of mass destruction or against the linkage between transparency in such weapons and transparency in conventional weapons are the same states that do not depend only on the Register in addressing their security concerns, but depend first and foremost on military alliances and agreements that provide them with advantages over a large number of Members of the United Nations." ²⁵

A fifth rationale was the general political situation in the Middle East, specifically the growing conflict between Egypt and Israel over the latter state's undeclared nuclear weapons. In 1995 Egypt had left the Arms Control and Regional Security working group that had been meeting regularly (part of the Madrid Framework of multilateral negotiations on the Middle East). In that same year the NPT Conference reached agreement on an indefinite extension of the NPT, but only after agreeing to a Middle East Initiative that was clearly designed to pressure Israel into declaring its nuclear weapons. In this same period the debate

²² . WMD and military technology.

²³ . A/C.1/52/PV.24, 24th meeting of First Committee, 17 November 1997. (*UN Optical Disk System (ODS)*, www.ods.un.org)

²⁴ . See recommendations later in this report regarding what can be done to fill in this gap in knowledge.

²⁵ . Statement by Egypt in the First Committee, *op. cit.*, A/C.1/52/PV.24, p. 2.

on the CTBT provided another opportunity for interested states to put pressure on Israel. When viewed in this context, the effort to include WMD and its associated technologies into the Register looks much more like a nuclear weapons issue and less like an effort to deal with conventional weapons.

Voting Patterns

The voting on these resolutions is below. In each year there was a separate vote on the paragraph that specifically called for WMD and its associated technologies to be included in the Register, as well as a vote on the whole resolution. This gave States a chance to be more specific as to their views on this resolution. The first number given represents the vote on the separate operative paragraph, the second number the vote on the resolution as a whole.

	(GA Res. 52/38B) <u>1997</u> ²⁶	(GA Res. 53/77S) <u>1998</u>	(GA Res. 54/54I) <u>1999</u>
For	73/98	104/95	97/93
Against	46/45	46/47	48/50
Abstain	17/13	17/18	15/17

In almost every case the Yes votes were from the south, and the No votes from the north, including many States of the former USSR. Notable southern states not voting with the NAM in the Yes column for 1999 included Argentina, India, Pakistan, the Republic of Korea, Samoa, Singapore and Uruguay. South Africa voted for the resolution as a whole in solidarity with the south, to make it known that it supports transparency on nuclear weapons and recognizes that "the need for the Register to increase transparency related to weapons of mass destruction should be explored." South Africa abstained on the separate paragraph however, "as we do not believe that a linkage concerning weapons of mass destruction should be established with the current Register, which deals with conventional weapons."²⁷ This statement reflected the view of many States on this issue.

It is apparent that there was little change over time on the ratio of Yes and No votes on the resolution as a whole (second number) which indicates that views have changed little. An analysis of Member States' statements during the debate in all three years reinforces this and indicates that little attempt was made by either side to conduct analysis and consultations with the goal of bridging the gap.

²⁶ . In 1997, a vote on the separate operative paragraph regarding the inclusion of WMD occurred only in the First Committee. Therefore, the first numbers cited are those numbers, not the final GA Resolution.

²⁷ . First Committee Proceedings. A/C.1/54/PV.26, 9 November 1999, p. 17. (ODS)

The only switching which occurred over time involved Honduras, which abstained in 1998 and voted Yes in 1999. Those who abstained in 1999 included Argentina, Armenia, Azerbaijan, China, Georgia, India, Japan, Kazakhstan, Pakistan, Republic of Korea, Samoa, Singapore, Tajikistan, Uruguay and Uzbekistan.

Selected Views of Member States (From UN Verbatim statements (PVs))

Below are some selected excerpts from the debates over the three years, in which the statements of key states were strikingly similar. This allows for an assessment which combines all three years as a unit. These statements provide further elaboration on the rationales of those supporting or opposing the inclusion of data on WMD and its associated technologies into the Register. This further elaboration can also be of use in fashioning a practical response to the majority of States who wish these data to be included in the Register.

In Favor of Inclusion²⁸

Mexico (1997): "Mexico participates in the United Nations Register of Conventional Arms. However, from its inception we have maintained the need to expand it to include weapons of mass destruction so as to bolster its effectiveness as a means of building confidence through transparency." ²⁹

Iran (1998): "As we have already stated, in our view, the principle of transparency in armaments in accordance with the context of General Assembly resolution 46/36 L applies to conventional weapons, weapons of mass destruction and high technology with military purposes." ³⁰

Mexico (1998): Mexico believes that in order for the register to have a global impact in building confidence and to help create a climate conducive to disarmament, it must in future include both weapons of mass destruction, whose destructive and destabilizing power is far greater than that of conventional arms, and transfers of high technology with military applications. This would lead States that possess nuclear weapons and these technologies to throw their full weight behind common efforts to achieve transparency and build confidence, thereby promoting the objective of general and complete disarmament." ³¹

²⁸ . The paucity of statements in favor listed here is not an indicator of the number of such statements. Rather, the statements selected give the reader additional insights into the themes of the arguments in favor of including WMD.

²⁹ . *Op. cit.*, A/C.1/52/PV.24, p. 6.

³⁰ . A/C.1/53/PV.27, p. 23.

³¹ . Report of the Secretary-General on the Operation of the Register, A/53/334, August 1998, submitted views of Member States, p. 112.

Against Inclusion

Argentina (1997): "Argentina fully agrees with the conclusion reached by the Group of Governmental Experts on the continuing operation and further development of the Register to the effect that although the Register relates to conventional arms, the principle of transparency can also be applied, jointly with other measures, to weapons of mass destruction and the transfer of high technology with military applicability. This is recognized in paragraph 5 (a) of draft resolution A/C.1/52/L.43, which the Committee adopted on Friday, 14 November (*the annual resolution on Transparency in Armaments*). We do not therefore feel that another resolution need to be adopted on the same subject. Furthermore, my delegation believes that the development of transparency mechanisms in the sphere of weapons of mass destruction should not have the effect of weakening the effectiveness and efficiency of the existing mechanisms designed to create transparency in the area of conventional arms, such as the United Nations Register of Conventional Arms."³²

Israel (1997): "It is therefore Israel's view that the Register still has to withstand the test of time, to attract much larger participation and to consolidate the existing categories before further development of the Register or major changes can be considered."³³

United States (1997): "The draft resolution...directly links the concepts of transparency and conventional arms to transparency and weapons of mass destruction. No widespread agreement exists on how transparency could apply to weapons of mass destruction. Accordingly, linking it to transparency in conventional weapons, and to the Register is a recipe for inaction and failure....The existence of weapons of mass destruction anywhere in the world could be used by any Member State as an excuse not to participate in the Register...Moreover, draft resolution A/C.1/52/L.2 (*the Egyptian sponsored resolution*) is unnecessary since draft resolution A/C.1/52/L/43 (*the traditional Transparency in Armaments resolution*) already contains a provision to address the Egyptian concerns. Operative paragraph 7 invites the Conference on Disarmament to consider continuing its work on transparency in armaments. It is high time to re-establish the Ad Hoc Committee on this subject so that the concerns of States related to transparency can be discussed in a more substantive manner than in a debate on a draft resolution here in the First Committee."³⁴

Luxembourg, for the European Union (1997): "The European Union opposes draft resolution A/C.1/52/L.2 /Rev.1 not only because of the procedure followed but also because after the Group's consensus in 1997 (*1997 Group of Experts on the Register*), one Member State represented in the Group is now seeking to break the consensus. At the same time this

³² . *Op. cit.*, A/C.1/52/PV.24, p. 8.

³³ . Report of the Secretary-General on the operation of the Register, A/52/312, 28 August 1997, submitted views of Member States, p. 70.

³⁴ . *Op. cit.*, A/C.1/52/PV.24, p. 6.

resolution is not acceptable to the European Union for very important reasons of principle, for the draft resolution establishes a one-to-one relationship between the concept of transparency in conventional arms and that of transparency in regard to weapons of mass destruction. The Union is well aware that positions on the latter subject vary considerably...The success achieved in Europe and elsewhere in the sphere of confidence-building measures related to conventional arms would not have been possible had weapons of mass destruction been included in the equation. Nor would the Register have been strengthened had that notion been accepted, because Member States could use the very existence of weapons of mass destruction as a pre-text for non-participation in the Register, thus undermining its validity."³⁵

Australia (1998): "Australia continues to view as unproductive any suggestion, implied or otherwise, that transparency in relation to conventional weapons or progress in the Register of Conventional Arms should be conditional on transparency in weapons of mass destruction. Promoting this linkage is unlikely, in our assessment, to help the cause of transparency in respect of either. Moreover, it is unclear precisely what the draft resolution would hope to achieve theoretically by including weapons of mass destruction in the Register. Given that biological and chemical weapons are already banned under international conventions, it is difficult to see what useful information could be revealed through a transparency-reporting mechanism in the United Nations Register. States parties to the respective conventions would presumably report a nil return, as would States non-parties in compliance with the provisions of the Conventions. In short, the existing multilateral Conventions covering chemical and biological weapons, and their verification mechanisms, are in themselves a type of transparency measure, and no additional value could realistically be expected to be gained from adding chemical and biological weapons to the (Register)....Similarly, in respect of nuclear weapons, we question what practical knowledge is expected to be gained from including them in the (Register). Extensive information regarding the inventories of the nuclear-weapon States is already readily available. Again, it would be far more productive, in our view, to concentrate our efforts on universalizing the (NPT)."³⁶

Japan (1999): "Weapons of mass destruction have not been the subject of the Register. The Government of Japan is very cautious about the inclusion of weapons of mass destruction in the Register because the issue will not receive consensus support of States. The elaboration of practical means would be premature now."³⁷

China (1997): "We do not believe in transparency for transparency's sake....a uniform level of transparency would have different impacts on different countries. Where the great

³⁵ . *Ibid.*

³⁶ . A/C.1/53/PV.27, pp. 22-23.

³⁷ . Report of the Secretary-General on the Operation of the Register, A/54/226, 13 August 1999, submitted views of Member States, p. 101.

powers or members of military blocs are concerned, some level of transparency might help to enhance confidence and can even be a way for them to demonstrate their military muscle and promote their arms trade interests. However, this can only jeopardize the security of other countries. It is therefore not realistic to formulate abstract or purportedly unified measures for transparency applicable to all countries. We therefore believe that applicable and relevant measures of transparency should be achieved through negotiations within the framework of concrete arms control and disarmament treaties."³⁸

"The countries with the largest and most advanced nuclear arsenals should continue to take the lead in drastically reducing those arsenals and in renouncing their double or multiple standards regarding the proliferation of nuclear weapons in order to create conditions for ultimate full transparency and the total destruction of nuclear weapons."³⁹

In their chapter entitled "A Nuclear Weapons Register: Concepts, Issues and Opportunities,"⁴⁰ Harald Muller and Katja Frank argue that the UN Register of Conventional Arms is not the best place to start when promoting transparency in WMD. They state that the qualitative distinction between the two classes of weapon should not be blurred, which speaks for a separate rather than an integrated solution. Second, it might be preferable to keep register undertakings equal for all participants. Only a few states would be participating in a nuclear weapons register. A third point is that the Register, as currently operating, deals mainly with exports and imports, which are forbidden for nuclear weapons. A fourth point they make is that a voluntary approach would not be advisable for nuclear weapons, since states would require more guarantees than for conventional weapons, whose buildup, weapon for weapon, has less serious consequences. The challenges of verification would seem critical and separate it from the existing Register which lacks such stringent verification capabilities. Finally, they are skeptical that a forum such as the Group of Experts deliberations can really negotiate the details of such a register.

Conclusions

It is possible to draw a number of conclusions from the above paragraphs.

- The three years of debate and voting on the issue of including WMD and their associated technologies into the Register reveals that the positions taken by the two sides have changed little. In many cases states used the exact same words in making their points.

³⁸ . A/C.1/52/PV.23, pp. 4-5.

³⁹ . *Op. cit.*, A/C.1/52/PV.24, p. 10.

⁴⁰ . In Chalmers, Donowaki and Greene, *Developing Arms Transparency: The Future of the UN Register*. (Bradford Arms Register Studies No. 7, 1997), pp. 249-50.

- The rationales most cited are procedural in nature, masking a much larger gulf that has its origins in the north-south split on security matters. Very little analysis has taken place in what is a short time period for debate in a politically charged environment.

- On balance this report concludes that these two classes of weapons conventional and WMD are qualitatively different on several dimensions. First, the effects of these weapons are entirely different. Second, on the military dimension, existing nuclear weapons are deployed for entirely different purposes than conventional weapons. This is especially true with the end of the Cold War, during which an argument could be made that in Europe these weapons would be used in the initial stages of conventional warfare to achieve a breakthrough. This scenario is highly unlikely in the current environment and the foreseeable future. Third, most States that deal with security issues on the regional or global level have organized themselves in a way that demonstrates that they feel these two classes of weapons are different. This is especially true on the part of the nuclear weapons states.⁴¹

VII. Small Arms and Light Weapons and the Register

As previously mentioned previously in this report, one of the reasons that the Register seems to be languishing is the fact that the type of warfare and weapons that prompted its development is less prevalent in the current international system. As the recent war between Eritrea and Ethiopia has demonstrated, impoverished states are still capable of buying million of dollars worth of major conventional weapons (i.e., tanks, aircraft) and waging war with them. But, relatively speaking, this type of war has taken a back seat to intra-state warfare which employs small arms and light weapons.

This shift has prompted governments, NGOs and various the analytical and academic communities to investigate and document the unique transfer patterns and negative effects from the excessive accumulation, proliferation and misuse of this class of weapon. Quite naturally the remedies being promoted for major conventional weapons were seen as applicable for small arms and light weapons as well, which has led to the call in some quarters for including this class of weapon in the Register.⁴² In the 1994 and 1997 Group of Experts review of the Register, there was a full discussion of the merits of adding small arms

⁴¹ . For the view that conventional arms and weapons of mass destruction are more similar than different, see John Sislin, "A Convergence of Weapons," *Peace Review*, 10/3(Palo Alto, September 1998), pp. 455-461.

⁴² . Examples include: Natalie J. Goldring, "Developing Transparency and Associated Control Measures for Light Weapons." In Chalmers, Donowaki and Greene, *op. cit.*, pp. 213-231; Jeffrey Boutwell and Michael T. Klare, "Light Weapons and Civil Conflict: Policy Options for the International Community," in Jeffrey Boutwell and Michael T. Klare, *Light Weapons and Civil Conflict: Controlling the Tools of Violence*. (Lanham, Md.: Rowman & Littlefield Publishers, Inc., 1999), p.223-224;

and light weapons to the Register. In general no changes were made to the Register categories for major political reasons (that is, for every change that some agreed to, others disagreed). But the 1994 review did address the role of anti-personnel landmines: "The Group recognized the terrible suffering, injuries and deaths caused by the misuse of antipersonnel mines, but felt that the Register was not the appropriate mechanism to deal with this problem".⁴³

Arguments for inclusion in the Register

There are some good reasons for the Register to expand to include this class of weapon.

- There are cases of states exporting this class of weapon in large quantities to regions of tension and conflict, the exact type of situation for which the Register was created.

- Furthermore, a significant percentage of the trafficking in these weapons is illicit. One of the first steps in tackling illicit trade is to make the legitimate trade transparent.

- There is increasing evidence that better monitoring of the flow and visibility of these weapons is possible and that such data could be used to provide early warning to those in a position to prevent or ameliorate armed conflict using these weapons.⁴⁴

- Given the systemic shift in the nature of conflict currently dominating the international system, movement in the direction of making the trade in weapons actually being used to kill people in armed conflict more transparent would add legitimacy to the Register. Those States not participating because the Register is irrelevant to their security situation would be more likely to participate.

Arguments against inclusion in the Register⁴⁵

- This class of weapon is inherently more difficult for States to monitor. In the early days one way that the Register gained credibility was to match its data with the public data of the Stockholm International Peace Research Institute (SIPRI). As it turned out the Register

⁴³ . United Nations General Assembly. *Report on the Continuing Operation of the United Nations Register of Conventional Arms and Its Further Development*. A/49/316, 22 September 1994.

⁴⁴ . For two treatments of the potential for using small arms and light weapons in early warning, see: Edward J. Laurance, *Light Weapons and Intra-state Conflict: Early Warning Factors and Preventive Action*. (Washington: The Carnegie Commission on Preventing Deadly Conflict, July 1998). www.ccpdc.org; and Edward J. Laurance (Editor), *Arms Watching: Integrating Small Arms and Light Weapons Into the Early Warning of Violent Conflict*. (London: International Alert, May 2000).

⁴⁵ . For an early treatment of these arguments see Edward J. Laurance, "Addressing the Negative Consequences of Light Weapons Trafficking: Opportunities for Transparency and Restraint." In Jeffrey Boutwell et. al. (Editors), *Lethal Commerce: The Global Trade in Small Arms and Light Weapons*. (Cambridge: American Academy of Arts and Sciences, 1995), pp. 140-157.

did a better job⁴⁶, but the point is that the transfer of larger weapons such as tanks and aircraft are easier to observe. In addition, they are more costly and the financial transactions are more likely to prompt discussion of the transfer in public. Small arms and light weapons, on the other hand are smaller, easier to conceal, and in most cases are relatively inexpensive. These characteristics all make their monitoring qualitatively different than for major conventional weapons. Every major study of the small arms problem has concluded that there is very little reliable data on transfers of these weapons, even at the level of national governments. There is a reason for this and it must be taken into account by those promoting the inclusion of small arms into the Register.

- A relatively small number of states engage in the production and export of major conventional weapons. As the experience of the Register to date has shown, (if these States cooperate and submit data to the Register) a great deal of transparency can be achieved, despite of non-participation on the part of importing states. This is however not necessary the case for small arms and light weapons. First, there are over 70 countries that produce these types of weapons. Second, a significant amount of the trade is in surplus weapons, meaning that a state can be an exporter without being a producer. Third, all of this means that a state seeking this type of weapon has many choices of supplier and in fact in most cases states have multiple suppliers to insure a reliable supply line. All of these factors make it inherently more difficult to track export and import data that could be used to achieve the early warning and confidence-building objectives of the Register as they might apply to small arms and light weapons.

- One of the goals of the Register was to provide data for states to use in an early warning capacity, to discover and ameliorate buildups so they do not lead to armed conflict. As previously noted, this is difficult even for major conventional weapons, given that the Register only records voluntary submissions on *deliveries*. If submissions are due in May of each year, the *best* warning would be five months after delivery, assuming deliveries in late December of the previous calendar year. Using small arms data in a Register format for early warning is even more problematic for several reasons. First, the time for small arms and light weapons to be delivered and make an impact is much shorter. Second, these weapons are used for legitimate defensive purposes by all states, making it harder to distinguish between legitimate and illegitimate possession of these weapons.

- The Register was created because the international community was unable to generally agree that the arms buildup by Iraq was "excessive and destabilizing." In a recent statement in regard to the Register the United States stated that it "believes that while the seven existing reporting categories may not be ideal for every situation, they represent the best fit for the global reporting of conventional arms transfers. They identify the major weapons systems that could be used in a surprise offensive action: these weapons are far

⁴⁶ . Edward J. Laurance and Herbert Wulf. *Arms Watch: SIPRI Report on the First Year of the UN Register of Conventional Arms* (Oxford University Press, 1993).

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."⁴⁷ It is inherently harder to determine the meaning of "excessive," "offensive," or "destabilizing" with small arms and light weapons.⁴⁸ 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

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

⁴⁸ . 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).

these weapons in the Register. Furthermore, despite a wide-ranging set of suggestions as to next steps, no mention was made of the Register. Including this class of weapon in the Register will entail the justification of this measure, and not just adding on what is a very different class of weapon.

Clarity of procedures. Register performance has been affected both positively and negatively by the clarity of procedures and the role of UNDDA in this process. The wider variety of small arms and light weapons, and the wider variety of modes of transfer, make this problem more critical for small arms.

Capacity. Given the political will, most states now have the capacity to report to the Register on an annual basis. This was not always the case, but there have been improvements in national capacity procedures. The case of small arms and light weapons is qualitatively different. First, most of the weapons being transferred now are not new production, but rather surplus weapons. The accountability for such weapons is notoriously low when compared to new production. This can be seen in the various proposals for marking weapons, in the OAS Treaty and in the UN Firearms Protocol. Most states have balked at the prospect of marking used weapons, since they know how difficult it is to manage these stocks. Canada's new laws requiring national registration of weapons has demonstrated that monitoring this class of weapon at a level whereby a State could report to the Register its exports and imports will prove to be a very expensive and difficult. Attempt to do this, given the declining interest in the Register, will likely be counter-productive.

Incentives for States to Participate. A major problem with the Register is that there is little incentive for many states to participate, since they neither import, produce or export any weapons in the seven categories of major conventional weapons. Much effort has been expended in an attempt to get these states to submit "nil" reports. Many of them do not see the point. With small arms and light weapons, the problem of incentives is different. Here *most* states at least import these weapons for their legitimate self defense and, in some instances, also for repressing/controlling/combatting their own people or groups operating within their own borders. As the debates in the General Assembly on small arms have shown, many states are clearly not anxious to extend any kind of arms control, disarmament or transparency to this class of weapon. They view internal security as just that, an internal matter not within the purview of the United Nations, and during debates they often cite the UN Charter in this regard.

Different impact. Finally, small arms and light weapons will not be easily integrated into the Register because the concern which underlay the drive to create the Register, (interstate conflict fought by regular armies) is very different from the consequences of small arms as a tool of warfare. In the latter, the problems are much more humanitarian, in the form of casualties to civilians, increased poverty due to the cessation of development projects, and the general militarization of society. The solution to these problems goes far beyond arms control and disarmament, and needs to be addressed in a comprehensive and

multidisciplinary way. That is exactly what is happening in the various regional and global fora dealing with the small arms problem, where a variety of transparency measures other than the UN Register are being discussed.

In sum, transparency is needed to assist in preventing and reducing the negative effects of the accumulation, proliferation and misuse of small arms and light weapons. This may well include regional arms Registers and progress has been made to this effect in both Africa and Latin America. However, there does not appear to be a role for the UN Register in the development of transparency measures for this class of weapon.

VIII. Recommendations for Action

Suggested improvements currently on the table

There is no shortage of suggestions that have been made concerning improvements to the Register. Many were put forward prior to and during the 1997 review, but no agreement on them could be reached. In every review of the Register to date, each suggestion for adding or expanding a category has reflected the national interests of the state proposing the change, and it is countered by a proposal from another state.

The current proposals include:

- 1) Adding light weapons
- 2) Adding weapons of mass destruction
- 3) Developing four-pronged typology of enhancements described in the 1997 study by

Bradford University *Developing Arms Transparency: The Future of the UN Register* (pp.93-98). These enhancement involve:

- i. Full expansion to include military holdings (MH) and procurement from national production (PNP).
- ii. Developing an agreed-upon form for reporting MH and PNP together with some language that indicated less of an obligation to do so than for transfers.
- iii. Expanding the Register to include PNP on the same basis as transfers.
- iv. Developing an agreed-upon form for reporting PNP only and have it remain in the "Background Information" category.

There are several problems with the above list. First, it by no means covers the changes and enhancements that could be made. This list only reflects ideas that surfaced early in the development of the Register and were put off due to the now obvious difficulty in reaching agreement on them at the creation. Some new thinking is needed to break the present impasse. Second, and more important, these suggested enhancements and changes only address *what* is to be achieved, not *how* they are to be achieved. What follows are

recommendations based on the causes of the current impasse that were detailed in Part III and IV of this report.

Recommendations for action

- *Recognize sensitivity of military holdings.* The current group of governmental experts (GGE) reviewing the Register should make explicit mention of the fact that military holdings lie at the heart of the security concerns of states, and that data submitted in this category, if at all, will understandably be at a different level than either transfers or PNP. Military holdings data, in the context of transparency and confidence building, only make sense at the local or regional level. This recognition may contribute to more cooperation from states which have heretofore viewed the Register as unrealistic in this regard.

- *Standard form for reporting production.* At the same time, the report should make clear that the exports and national production of the northern states *does* matter. Most of the arms in the inventories of states in areas of tension arrived there via the northern states. Such transparency remains critical to efforts to create CBMs and prevent conflict at the local and regional level. Arms buildups, unlike MH, *can be stopped*. If the above suggestion concerning putting MH in a different category than PNP can be achieved, it would enhance the possibility that the Group might adopt language establishing, at a minimum, a standard form for reporting PNP. This form would be very useful for states and UNDDA in promoting participation in the Register.

- *Seminars on relationship between arms buildups and conflict.* Canada has been very active in promoting the Register in Asia and Latin America. It is recommended that this effort be continued but with more emphasis on the basic points made above. Canada should host workshops *during this review period*, for the Group of Experts and others, that enhances the knowledge of states regarding the role of arms buildups in the outbreak and exacerbation of armed conflict. Such workshops could focus on the following:

- i. Presentations by those scholars who have researched the role of arms buildups in conflict. This body of knowledge is significant. What do we know about this? These presentations should present case studies that demonstrate how arms buildups with negative (e.g., instrumental in the outbreak of conflict), positive (e.g., deterrence) and benign effects (weapons never intended for military use). The recent case of Russian plans to send a destabilizing weapons system to Cyprus (A-300 air defense missile system) is an instructive case in point. The transfer was transparent, it was destabilizing (Turkey threatened to bomb the missile system if it was deployed), and yet the issue was defused as a result of all of the involved states being members of consultative mechanisms (NATO and OSCE).⁴⁹ At the other end of the spectrum, an assessment of the recent war between Ethiopia

⁴⁹ . A thorough collection of raw data and analysis on this case has been assembled by the Center for Nonproliferation Studies at the Monterey Institute of International Studies.

and Eritrea would shed light on how a buildup could lead to conflict *despite* the intervention of outside parties and international organizations. The overall goal is to demonstrate how and under what conditions transparency can be helpful if it is utilized in a multilateral consultative mechanism.

ii.- Conduct a series of simulations that demonstrate under what conditions arms buildups and secrecy lead, and do not lead, to the outbreak or exacerbation of conflict. The data used would be simulated and involve mythical countries. At a minimum these workshops might begin to break down the resistance of key states to further expanding and seriously using the type of data generated by the Register. It is clear that the format for the current and all previous reviews does not allow current debate to shed much light on these important questions. We must get beyond states citing the *legal* norm of sovereignty, and the submission of data for its own sake, which is the current situation.

- *Enhance role of the UN Department of Disarmament Affairs.* In general, governments will submit data to the Register because it is in their interest to do so. After eight years of operation the Register has become regularized to the point that it is expected that states will participate. However, the performance of states in this regard can be affected by both the capacity to generate data, and the veritable explosion of requirements that have accompanied globalization. It is in this area that the DDA must play a more vital role in promoting and expanding participation in the Register. This is always sensitive, with some Northern states objecting to too big a role for UNDDA, while others objecting that UNDDA is a mere "post office," posting the reports that they receive. Recent changes in UNDDA have seen a new and dynamic UNSG as well as a newly appointed D1 responsible for the Register, both from developing countries (Sri Lanka and Mozambique, respectively). Some suggested actions include:

- i. Enhance the role of UNDDA by changing the frequency of note verbales to states from "annually" (para. 64 (g) ii in the 1997 report) to "periodically."

- ii. Be more specific regarding Para 64 (g) i in the 1997 report "Make every effort to assist..." Surely these first two changes could result in an increase in the "nil" reports, as well as break new ground in reducing discrepancies.

- iii. Encourage UNDDA to hold workshops that address the practical implications of transparency, as suggested in the recommendations for Canada holding workshops.

- iv. In the Firearms Protocol currently being negotiated, the UNDDA is being

considered as the "Focal Point" for the operation of the Protocol, with specified duties far beyond what is now the case for the Register. Perhaps this can be fruitfully investigated as a precedent.

v. Push DDA to hold an annual workshop for the expressed purpose of dealing with data discrepancies between importing and exporting states. If this is too sensitive, Canada and a group of other interested states should do so. The continuing level of discrepancies in data is eroding the confidence of those who are participating. They feel that the Register is becoming a stale exercise. Those not participating can point to this continuing flaw as a reason to continue their non-participation.

• *Enhance role of the Group of Governmental Experts.* It is now clear that many states do not participate at the expected level because they feel that the Register does not address the weapons that are used in the overwhelming majority of armed conflicts - small arms and light weapons. The assessment previously presented in this report concluded that on balance simply adding this category to the current seven categories would be counter-productive. However, the Group of Governmental Experts meeting in 2000 should consider the following actions:

i. Several attempts at generating regional registers have been made (e.g., OAS and West Africa). These should be not only encouraged in this review but also supported in more practical terms. The current GGE might also make some recommendations for action by other UN mechanisms, such as the Group of Interested States supporting the development of regional registers.

ii. Within the category of artillery, it should be possible to agree to add some weapons at the lighter end. The UN Group of Experts on Small Arms Report of 1997 established a typology of weapons that included mortars less than 100 mm. The artillery category starts at 100mm. The category could go down as low as 80mm and include weapon that has had a demonstrated impact in recent conflicts. Such a proposal needs to have such evidence if it is to be credible. The essence of the argument is that once combatants get mortars in quantity, indirect fire normally results in an increase in indiscriminate use and high casualty rates for civilians, promoting revenge and other outcomes which exacerbate the conflict. (e.g., Bosnia).

iii. Another particularly destabilizing weapon are man portable air defense systems (MANPADS). Given that there is credible evidence that such a weapon is inherently destabilizing, it could be singled out for special attention. The Group should single out the *transfer* of this weapon as the key variable, and somehow find a way to make transfer data more critical than either MH or PNP. The United States has begun an initiative to control these weapons.

- *Practical Means of Dealing With the Issue of Including WMD in the Register.* The immediate policy decision is how to deal with a majority of UN Member States insisting that the Register include WMD and its associated technologies.

One practical means by which to address this issue might be to begin serious seminars within the U.N. system on how transparency in weapons of mass destruction can be improved. A full treatment of various approaches is found in the previously mentioned work by Muller and Frank.⁵⁰ The authors elaborate four purposes a nuclear arms register would serve: a reduction of discrimination; accountability; security; and disarmament. They also admit that they are describing a system "that does not yet exist, and talk about its development in a way that presumes political contexts that lie far in the future, our discussion has some visionary, if not utopian, touch to it."⁵¹ This work also addresses the "de-facto" nuclear weapon state problem as it takes the reader through the stages required for its development. It would serve as ideal reading material for participants in a seminar on the issue. It should be noted that Egypt officially mentioned Muller's work, specifically the nuclear arms register suggested by German Foreign Minister Kinkel in 1993, on the floor of the First Committee on 27 October, 1999. The output of such deliberations might be a "shadow" nuclear weapons register based on public information. The Center for Nonproliferation Studies (CNS) at the Monterey Institute of International Studies maintains several databases and conducts a host of activities that certainly fit in the category of developing transparency in weapons of mass destruction. CNS is the leading non-proliferation NGO with excellent relationships with governments and the United Nations. They could be tasked with developing and conducting such seminars.⁵² A similar set of seminars could be scheduled to deal with the more analytical aspects of the differences between conventional and nuclear weapons. The literature is significant in this field and engaging academics and governments may be a way to get the debate to a more technical level.

This problem is clearly a north-south problem, with Israel's undeclared nuclear weapons at the center. At the May 2000 NPT conference for the first time the international community, with the agreement of the United States and other nuclear powers, urged Israel by name to join the NPT. To the extent that Canada and other northern states made this happen, this may give them some leverage with Egypt and the NAM to soften their insistence on the linkage between these two classes of weapon.

⁵⁰ . *Ibid.*, pp. 233-254

⁵¹ . *Ibid.*, p. 234.

⁵² . <http://cns.miis.edu>

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The United Nations Conventional
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