

# THE DEVELOPMENT OF THE UNITED NATIONS REGISTER OF CONVENTIONAL ARMS: PROSPECTS AND PROPOSALS<sup>1</sup>

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**T**ransfers, production, and holdings of conventional arms are security issues of concern to many states. In the aftermath of the Gulf War in 1991, there was wide agreement that "something must be done" to try to prevent the sort of destabilizing build-up in conventional arms that had taken place in Iraq in the 1980s. Specifically, it was felt that measures were needed in order to encourage responsibility and restraint in the transfers of conventional arms to regions of tension such as the Middle East. At the same time, the end of the Cold War, and the resulting unprecedented cooperation between the world's major arms suppliers (the United States, Soviet Union, United Kingdom, and France) heightened expectations that progress could be made towards international agreement on measures to restrain transfers.

Inspired by the Conventional Forces in Europe (CFE) Treaty, numerous proposals for regional conventional arms control were made in 1991.<sup>2</sup> However, these did

not achieve widespread support. The political will to negotiate structural arms control agreements<sup>3</sup> in the regions of greatest concern (the Middle East and East Asia) was weak. The incentive to help domestic arms producers offset the decline in domestic orders through increased overseas sales was substantial. And, in any case, there were significant problems in defining what balanced limits or constraints should be in a multipolar region. As a consequence of all these factors, the two main initiatives for global action on conventional arms to emerge after the Gulf War did not involve structural arms control. They were (a) the "P5" process<sup>4</sup> and (b) the United Nations Register of Conventional Arms.

Since the P5 process stalled on Chinese opposition to the U.S. F-15 sale to Taiwan in late 1992, the United Nations Register is at present the only significant global agreement relating to conventional arms. This article will therefore examine the history of the U.N. Register and then

analyze its prospects. Specifically, it reviews proposals for strengthening the Register and proposes ways of expanding it. The Register attempts to build mutual confidence between states through "transparency" or "the systematic provision of information on specific aspects of activities in the military field under informal or formal international agreements."<sup>5</sup> Thus, it facilitates timely consultations between states on potentially destabilizing arms build-ups. As a transparency regime, it does not regulate or limit military activities directly. It is hoped, however, that increased transparency will encourage restraint by increasing the pressures, both domestic and international, against potentially destabilizing production or transfers of arms.

## **HISTORY OF THE U.N. REGISTER**

The initial proposal for a Register in 1991 was for a "Register of International Arms Transfers." How-

ever, the name (and proposal) was changed in response to criticisms by many arms importing states about the exclusion of military holdings and domestic arms production. In December 1992, the U.N. General Assembly agreed that the Register would initially concentrate on seven categories of arms transfers: battle tanks, armored combat vehicles, heavy artillery, combat aircraft, attack helicopters, warships, and missiles and missile launchers. In 1994, a U.N. Group of Experts began to meet to review implementation and to consider ways in which the Register could be expanded, specifically to include domestic production and military holdings.

The Register is a voluntary transparency measure, and does not involve limits or controls on arms transfers or holdings. It is entirely compatible with the jealously-guarded rights of states to decide for themselves what conventional forces they need for self-defense. It aims at improving international transparency relating to arms transfers and holdings, to build mutual confidence, and to promote timely international consultations on potentially destabilizing regional arms build-ups. It is thus a relatively modest measure, which partly explains why it has survived. Nevertheless, many hope that increased transparency might encourage restraint: it could increase international and domestic pressures against "irresponsible" or potentially destabilizing production or transfers of major weapons systems, and promote informed public debate. Exchanges of official information on conventional arms could also provide a basis for regional confidence- and security- building arrangements.

One of the guiding principles un-

derlying the Register is that there is no general presumption that trade in the weapons that are covered by the Register is illegitimate. It can become so in particular circumstances, for example, if a country is subject to a U.N. embargo. But in many circumstances, conventional weapons are seen as a legitimate means of national and collective defense, and the importation of weapons for these purposes can, by extension, also be acceptable.

States were invited to submit information to the United Nations by April 1993 on their exports and imports of major conventional arms during 1992. Most states missed the deadline. Nevertheless, 80 countries had responded in time (followed later by Sri Lanka, Lebanon, and Ukraine) to be included in the first annual report of the Register, which was published in October 1993.<sup>6</sup> All of the top 14 exporters of major conventional arms (as identified by Stockholm International Peace Research Institute (SIPRI)) submitted reports. However, a few "second tier" suppliers such as North Korea and South Africa, did not provide information. Of the top 20 arms importers for 1992 identified by SIPRI,<sup>7</sup> 14 submitted reports; however, Saudi Arabia, Iran, Thailand, Syria, Taiwan, and United Arab Emirates did not participate. Altogether, the vast majority of transfers of major conventional arms in 1992 were probably reported to the Register. Many commentators had been skeptical about whether the Register would reveal any new information about the arms trade, but they were proved wrong even in the first year of the Register's operation.

Overall, participation was high in Europe and North and South America, patchy in Asia, and poor

in the Middle East and Sub-Saharan Africa. Nevertheless, Israel and Egypt submitted reports, as did China, India, Pakistan, South Korea, Malaysia, and Singapore, among others.

However, not all 80 governments listed by the United Nations provided information on imports or exports. Nigeria simply sent a note explaining that all of its records had been destroyed in a fire. South Africa responded by noting that it would be inappropriate for it to report on its arms transfers while the U.N. arms embargo against it remained in place. Croatia sent a similar note, saying that "it is still under the sanctions imposed by resolution 713 (1991), and that consequently no import of arms or military equipment has taken place." Similarly, Oman, Grenada, and Paraguay sent notes explaining why they could or would not, for a variety of reasons, provide any information for 1992. Qatar, Tunisia, Mexico and Panama submitted some background information with no accompanying data (or "nil returns") on their arms transfers. All of these states were included among the "participants" in the Register.

About a third of all states providing appropriate information on transfers provided nil returns for both imports and exports. In most cases, this was entirely plausible, and reflects the fact that the trade in major conventional weapons is heavily concentrated among relatively small numbers of suppliers and recipients. However, in some cases there must be doubts about the reliability of the report. The beleaguered Georgian government said that no official transfers of major conventional arms had taken place in 1992, but "on the other hand we

have to indicate that illicit arms trade took place. A great number of [major conventional arms] were imported from the Russian Federation by Ossetian and Abkhazian separatists." The Russian return explicitly excluded exports to Azerbaijan, Armenia, Moldova, and Belarus, as well as transfers of control associated with the division of the forces of the former Soviet Union. The governments of Yugoslavia (Serbia), Kazakhstan and, later, Ukraine also provided nil returns.

There is some skepticism about the validity of some returns. Nevertheless, it seems clear that most governments reported in good faith, and often had to go to considerable lengths to collect the required information. Even states with quite well-developed arms export controls typically had no system for monitoring the numbers of major conventional arms transferred across their frontiers each year. Export licensing records do not indicate how many arms were exported (exporters often do not use the full quota on the license) or when the transfers took place (licenses usually last for several years).

The first report of the Register provided a surprising amount of new information. First, to the best of the authors' knowledge, no country had previously provided public information on annual numbers of conventional weapons imported or exported. Moreover, significantly more transfers were reported than had been identified by two of the main independent "arms watchers" --SIPRI and the International Institute of Strategic Studies (IISS). This is particularly true of land systems such as tanks, heavy artillery, and armored combat vehicles, which can be relatively difficult to track using

the open literature. Many participants thus opted for a policy of openness in spite of traditional sensitivities in providing official (and thus "undeniable") information on their armaments. Indeed, Peru even reported that its navy imported four armored personnel carriers (APCs) from embargoed South Africa. Moreover, because nearly all major exporters reported, the Register contains substantial information on imports by non-participating countries such as Saudi Arabia, and Thailand. This is no doubt irritating to the non-participating governments, but they will have to accept such enforced transparency as long as the main suppliers continue to participate in the Register.

Finally, 24 countries provided "background information" on their military holdings of arms covered by the Register; of these, 15 also reported on their procurement from national production. This background information is not published in the annual report, but is publicly available.<sup>8</sup> Most of the countries providing information on military holdings or procurement are members of the Conference on Security and Cooperation in Europe (CSCE), all of whom already regularly exchange similar information between themselves on a confidential, inter-governmental basis.

A U.N. Group of Experts has been convened to review the operations of the Register and make recommendations for its future development. The Group consists of representatives from 23 governments, and is composed so that it can operate as a de facto negotiating group for the U.N. General Assembly.<sup>9</sup> It met in February and June 1994, and is due to hold one more meeting before it reports in the summer. At the

top of its agenda is the question of whether and how the Register should be extended to cover procurement from national production and military holdings. It will also consider whether the categories and reporting requirements should be revised or extended, and ways of increasing the effectiveness and value of the Register.

The success of any proposals for extending the scope of the Register are likely to depend substantially on decisions made to improve the way it operates. Therefore, this article discusses some ways that the Register might be strengthened. It then examines a number of proposals being made for expanding the Register. First, we discuss the possible expansion of the Register to include holdings and procurement. Second, we focus on the possibilities for expanding, or adding to, the existing seven categories of systems covered by the Register. Finally, we examine proposals that the Register be expanded to include greater information on the types and models of systems reported.

## STRENGTHENING THE REGISTER

At present the Register is a purely voluntary regime. There is no definition of what it means to be a "participant," and obligations are not defined in a treaty or framework convention. Resources for the Register are extremely modest, and no decisions have been made as to how to organize development beyond the work of the 1994 Group. There are good reasons for all of this, and it would certainly be premature to attempt to establish the Register in a formal convention at this stage. Nevertheless, if the Register is to

become a significant and permanent feature in the international system, it must be gradually strengthened as an institution, and the rights and obligations of participants must be defined and developed. It is also important that while the Group concentrates on means of extending and developing reporting requirements, it does not neglect measures to improve implementation. The development of implementation review procedures and resources is important, as are other measures to improve the reliability and timeliness of reported data. Mechanisms are needed to provide guidance (and perhaps dispute resolution) where there is confusion or disagreement.

We suggest three areas where discussion is needed: (i) whether "participation" should be defined; (ii) whether there is a need for a regular review procedure for the Register, and if so what form it should take; and (iii) the potential value of establishing "common lists" of systems covered by the Register.

### Should participation be defined?

On the recommendation of the 1992 Panel, the current Register sets out three ways in which data is submitted to the United Nations:

*First*, states provide numerical data and countries of origin/destination. Although the definition of a transfer could still be improved in the light of the first year's experience, the requirements for filling in this part of a return are fairly clear.

*Second*, space is provided on the form for information on "description of item" and "comments on the transfer." If provided, this information is published in the annual report. However, this column can be filled in at member states' discre-

tion; no specific pattern is prescribed.<sup>10</sup> Unlike the main part of the form, this section is both voluntary, and less defined.

*Third*, states are invited to submit background information "in any form they wish" on "their military holdings, procurement through national production, and relevant policies." This information is not published in the Secretary-General's report on the Register; however, this does not mean that "background information" provided is confidential. In line with the 1992 Panel's recommendation that "the available background information submitted by Member States be open to the public,"<sup>11</sup> the Secretary-General's report states that the background information is available at the Center for Disarmament Affairs (CDA) for consultation.

A "common sense" definition of Register participation might be that it involves (at a minimum) satisfying the first of these three requirements. Participation in the Register is of course voluntary. To be counted as a participant, however, it could be argued that a country must provide at least some data (even if this only involves a nil return).

However, this was not the case in the 1992 returns. At least seven of the 80 countries listed as having replied to the request for information did not complete the form at all. Because of the understandable desire to maximize the "headline" figure for participants in year one, the United Nations did not require completion of the standardized form for inclusion on this list. This is quite apart from the more complex problem of whether returns are accurate.

If the Register is expanded, further subdivisions of the return to in-

clude exports, imports, procurement, and holdings could be created. Whichever subdivisions are chosen, however, there should be a clear definition of what is required to be deemed a participant in any one of these categories.

To be listed as having participated, a country might be required to have filled in the standardized forms for transfers, plus whatever equivalent is agreed for procurement and holdings. No confirmation of the accuracy of the data submitted would be required, no matter how incredible it appeared. But, a country would have to provide some data--or a nil return--to qualify for the list of full participants. The advantage of such a system is that it would establish a clear incentive for states to follow the guidelines. States will have already noticed that some other governments--such as Nigeria and South Africa--have been included in the headline total without filling in the forms. If this practice were to be allowed to continue without any political cost, it might create a danger that an increasing number of countries will choose to submit data in whatever form and at whatever level of detail seem suitable to them. The main method the Register uses to persuade governments to divulge data is through the potential political cost (small but real) of being seen as a nonparticipant.

As the Register expands, there may be several states each year who respond in some way to the request for reports, but in a way that qualifies them only to be listed as "other replies," not as "full participants." Accordingly, the headline number of "full participants" would be less than it would otherwise be. Provided that the number of replies continues to rise in the next few years, however,

this risk may be relatively low. Moreover, the Register's success is likely to be judged increasingly by the quality of the returns as well as the number of replies. There is a possibility that a small number of countries--we estimate seven in 1992--will be excluded from the total if "participant" were clearly defined. But, these will probably be countries such as Tunisia and Libya that have, in any case, not provided any useful data. By including all responses in the report, but with a division between "full participants" and "other replies," public damage to the headline figure should be relatively limited, while pressure on states to participate fully would still increase.

#### **Improving reliability and implementation review**

As the Register expands, the need to have a repository of expertise and advice will also grow. The experience of the first year suggests very clearly the difficulties of operating the Register without giving the United Nations any role in reminding and encouraging governments to make appropriate returns, or in providing advice and training to national officials. An expanded role for U.N. officials is therefore, in our view, likely to be an important part of successful Register development. Such a role in turn will require additional resources.

Yet, some desirable central functions, such as a mechanism for deciding whether or not a state has "participated," cannot be entirely delegated to U.N. officials. The CDA can play an initial advisory, monitoring, and administrative role. But, it may need to be backed up by a body capable of taking political

responsibility for the implementation and development of the Register.

This role could be assumed by a standing panel of governmental experts, similar in size and composition to the current group. Such a panel could meet as often as necessary to fulfill its functions, which could be both advisory (as at present) and operational. These functions could include:

\* Carrying out regular reviews of the operation and possibilities for further development of the Register. Such reviews might, for example, examine proposals for the further development of the Register's categories, definitions, and procedures. The panel might also review the success of each year's returns, and suggest ways to improve procedures. Under this system, the 1994 Group would be seen as only one stage of a continuing review process, and the pressure on it to make "once-and-for-all" choices might be reduced. There are many potentially useful proposals on the table which are worthy of serious consideration, but which may need to be deferred in the interests of securing core objectives and improving participation. Agreement to defer an issue, however, may depend on whether there will be future opportunities to return to the issue. This in turn suggests that one of the outcomes of the 1994 review should be an agreement that future reviews will take place on a regular basis. A standing panel would also help to address the widespread concern that the 1994 Group is meeting a year too soon, and prepare the ground for a more gradual, but consensual, process of regime building.

\* Responding to specific requests from the Committee for Disarma-

ment and/or the General Assembly to address specific issues within its purview.

\* Acting as a dispute resolution panel where there are doubts or disputes on issues such as whether a state's submission qualifies it to be listed as a "full participant."

#### **Agreement on common lists of systems covered by the Register**

Another possible task for a standing panel would be overseeing the creation of an agreed list of those systems that are included in each of the Register categories. It would make national returns easier to compile for officials, most of whom have no direct knowledge of what the United Nations means by particular definitions, or what was in the panel's (or group's) collective mind when it agreed on a particular definition. Even if there were no requirement to include type/model in returns, an agreed list would reduce the potential for misinterpretation of what are, in some cases, rather ambiguous guidelines. This might reduce the costs and administrative burdens of adhering to the regime, particularly if the proposals to add military holdings and procurement from national production are adopted.

Compiling such a list could be an evolutionary process. Those states that provide information on their military holdings could be asked to attach a list of the systems that they have included in their return for holdings.<sup>12</sup> States could be asked to do so even if the 1994 Group were to decide to leave holdings as part of "available background information."

For each system, states would be asked to provide enough informa-

tion to distinguish it from other systems--e.g., gun caliber for battle tanks. But, governments would have the option to furnish information on the systems they included in their holdings data without stating how many of each system they possess. In some countries, and perhaps in some weapons categories, such an arrangement might provide a useful means of contributing to Register reliability and consistency, while meeting the security concerns that arise when exact numbers of particular systems are released. Acting on the advice of appropriate experts, perhaps based at the CDA, the standing panel could then examine the lists submitted on an annual basis and seek to agree on a common list of systems that clearly fall within each of the Register categories. When there is a consensus that a system clearly falls within a particular category, it would be included in a published list of systems to be circulated in future years. When there is no consensus, systems would not be included and the debate would continue in future years.<sup>13</sup>

Such a system could draw on the experience of the CSCE in recent years. In the process of negotiating the CFE Treaty, the problems created by intractably ambiguous category definitions were to some extent circumvented by agreement on lists of systems covered by the treaty. In addition, for each new system introduced, states are asked to provide photographs, weight, and caliber data. For Register purposes, it might not be appropriate to insist that participants provide such comprehensive data. Yet, there is a case to be made for developing an agreed upon--though not necessarily exhaustive--list of systems that defi-

nately come under each category heading.

## REVISING AND EXPANDING CATEGORIES

### Introduction

Part of the task of the 1994 Group is to consider "the addition of further categories of equipment." In considering the task of its successor, the 1992 Panel felt that "a key principle for adding categories should be that of military relevance in terms of the significance of their impact on regional and global security."<sup>14</sup>

In considering the expansion or addition of categories, there is sometimes a temptation to think that more is always better, subject only to security concerns. This attitude should be resisted. First, additional coverage involves additional administrative effort. If a substantial amount of time is spent collecting detailed data on systems of only marginal relevance, there may be fewer resources available to ensure that the correct data are supplied for those systems that matter most. Moreover, every time definitions are changed, there is bound to be some transition cost. If changes occur too often, it may become difficult to discern trends in transfers, procurement, and holdings over time, thus undermining the value of the Register as a measure of "destabilizing build-ups" of weapons. And, if too much detail is asked of countries, especially those with less developed bureaucracies, there is a danger that participation could decrease. The experience of the U.N. standardized system for reporting military expenditures suggests that requesting a mass of detailed information

is counter productive if only a few governments (31 in this case in 1993) are prepared to provide it.

Second, there is always a danger that an expansion of the number of models included in any one category will make it more difficult in the case of returns by states that do not include item descriptions to distinguish the more important systems from the less significant ones. Moreover, it is premature to assume that most states will provide item descriptions for their transfers, military holdings, and procurement from national production in the near future.

On the other hand, there could be some cases in which an expansion of the types of weapons covered by the Register can be justified. It would be surprising if there were not some anomalies which, as a result of the first two years' experience, it would seem sensible to resolve. If significant changes do seem desirable, in the light of the overall rationale of the Register, it may be better to make them now, before the existing categories become too established.

Even if no additional categories are created, and no item descriptions are provided, the addition of extra items can be of value if the items in question are judged to be of a significance comparable to, or greater than, some of those already in the Register.<sup>15</sup> How to apply this criterion will inevitably, however, be a matter of judgement. In each case a trade-off will have to be made between the potential costs and benefits of a proposed expansion.

## Ground and air systems

### *Adding ground and air systems already subject to CFE Treaty*

The first five Register categories use some of the same phraseology as the definitions of the weapons "limited" by the CFE Treaty. In addition to "limiting" systems in certain categories, the CFE Treaty also defines a wider group of systems which are "subject to the Treaty." These additional systems are not subject to numerical limitations.<sup>16</sup> But countries are obliged to "exchange information" on them as part of their annual returns, and they are also required to place certain limits on their operations. These are: "primary trainer aircraft, unarmed trainer aircraft, combat [support] helicopters, unarmed transport helicopters, armored vehicle launch bridges, armored personnel carrier look-alikes and armored fighting vehicle look-alikes."<sup>17</sup>

The Register does not include all of these systems, which are also the subject of CSCE-wide information exchange through the Vienna Document of March 1992. Indeed, there is no reason in principle why the Register should include all systems subject to CSCE transparency regimes. In considering whether there are potentially destabilizing systems which are not covered by the Register, however, it might be useful to reflect briefly on those systems which are at present subject to CSCE transparency but are not covered by the Register. The systems covered by the treaty are:

\* Primary trainers and unarmed trainer aircraft--The equipment subject to the CFE Treaty (but not limited by it) includes 17 types of primary trainer aircraft. By contrast,

the Register specifically excludes primary trainer aircraft "unless designed, equipped or modified" to engage targets "by employing guided missiles, unguided rockets, bombs, guns, cannons and other weapons of destruction." At the very least, there is a need to clarify which systems are included in the Register and which are not. A common list of systems might be of value. The group might also want to consider whether to widen Register transparency to include all those aircraft subject to the CSCE transparency regime. The number of systems involved is quite small. But trainer aircraft can, in times of conflict, often provide a significant increment to combat capability.

\* Combat support helicopters and unarmed transport helicopters--While attack helicopters are the only helicopters limited by CFE Treaty, they are not the only helicopters subject to information exchange. The Vienna Document requires states to provide data on all helicopters in military service, specifying whether their primary role is, for example, "specialized attack, multi-purpose attack, combat support, or transport." Only the first two of these roles are included in "attack helicopters." Thus, for example, Sweden's CSCE declaration of December 1992 (also provided to the United Nations as part of its background information) includes its holdings of unarmed transport and combat support helicopters, as well as its holdings of search and rescue and anti-submarine warfare helicopters.<sup>18</sup> And the protocol to the CFE Treaty on Existing Types of Conventional Armaments and Equipment provides a list of existing types of both combat support helicopters (25 types) and unarmed transport

helicopters (18 types).

It is worth considering whether the Register should be expanded to encompass all military helicopters that are already included in CFE and CSCE information exchanges. It is not at all clear, for example, why troop transport helicopters are excluded from the Register, while armored personnel carriers, even without any integral weapons, are included. Because of their greater mobility and versatility, the helicopters are likely to be able to make at least as significant a contribution to surprise attacks and large scale offensive actions as the personnel carriers. Similar arguments could be made for all military helicopters.

\* Armored vehicle launched bridges--Both the CFE Treaty and the 1992 Vienna Document require participant states to exchange data on the number of armored vehicle launched bridges in their inventories. It is generally acknowledged that such systems can play a crucial role in large scale offensive operations, at least in terrain with rivers. Although not limited on a national level in the CFE Treaty, therefore, the number and deployment of these systems is a matter of real concern. In terms of their potential contribution to destabilizing build-ups of offense-capable forces, the case is quite convincing. Whether this is a priority in 1994, however, may depend on whether non-CSCE states--for example those in the Middle East--share the concern of CSCE states about such systems.

\* APC look-alikes and armored fighting vehicle (AFV) look-alikes--In addition to the armored combat vehicle category, the CFE Treaty contains a provision for information exchange on "APC look-alikes and AFV look-alikes." This category

consists of armored vehicles based on the same chassis as, and externally similar to, an APC or an AFV which does not have a cannon or gun of 20 millimeters or more, and which cannot transport a combat infantry squad. Examples of systems in this category include armored recovery vehicles, armored fire direction post vehicles, armored observation post vehicles, armored surface-to-air guided missile carriers, and armored command vehicles. APC ambulances are specifically excluded.

It would be possible to add all look-alikes to the Register, thus bringing CSCE and Register transparency in this area closer together. It is less clear that the military justification for such a step is strong enough to make this a priority at this stage. Some useful additional information could be provided on armored support vehicles. Since these normally operate in close conjunction with armed vehicles, however, the value of this extra data may be rather limited. If one were to prioritize between claims for expansion, therefore, the case may be less strong for look-alikes than for aircraft or helicopters.

*Adding ground and air systems not already subject to the CFE Treaty*

If it is the case that a system's inclusion in the CFE Treaty does not necessarily mean that it should be included in the Register, the converse is also true. A ground or air system that is not in the CFE Treaty, might qualify for inclusion in the Register. The area in which this is perhaps clearest is specialized support aircraft. In the course of the 1992 Panel, there was considerable discussion about the possibilities for

adding such systems to the Register at a later date. Specific mention was made of:

"(a) aerial refuelling aircraft; (b) reconnaissance aircraft (fixed and rotary wing); (c) airborne electronic warfare equipment (fixed and rotary wing); (d) airborne early warning and command and control systems (fixed and rotary wing)."<sup>19</sup>

If the criterion of military relevance were the only one used, it would seem hard to justify the exclusion of at least some additional air systems. Refuelling aircraft clearly have an important role in extending the range and capability of both air defense fighters and bombers. Modern advanced early warning (AEW) aircraft play a critically important role in battle management, both in defensive and offensive operations; and the transfer of such systems to a region is often seen as a matter of regional, if not global, concern. Fixed wing transport aircraft, such as the Chinese Y-8 or Lockheed Hercules C-130, although not on the 1992 Panel's list, can play a crucial role in power projection.

If the principle of including aircraft that are not designed to carry weapons were to be accepted, however, it would be important to agree where the line is to be drawn between those which are militarily significant and those which are not. One possibility might be to confine coverage of non-combat aircraft to those in service in the armed forces. But acceptance of this principle might in turn have implications for definitions of what is meant by "military holdings" (see "Defining 'military holdings'" section *infra*).

*Weapons for "low intensity" wars?*

It is sometimes argued that categories used in the CSCE are too "Euro-centric," and there may be a degree of truth to this proposition. Yet, the most obvious division may be not between weapons of value in Europe and those relevant to the rest of world, but between those weapons that are "indispensable for surprise attacks and large scale offensive military operations" against a "well-armed" opponent and those that can only be of value against a "poorly-armed" opponent.

Against a well-armed opponent (such as Iraq, India, or Germany), the types of systems covered by the CFE Treaty and the U.N. Register would indeed form an indispensable part of any ground offensive. Highly mobile armored vehicles would be needed to provide adequate protection against defending fire; and offensive action could not hope to succeed without having the capability of at least neutralizing an opponent's air power. This, in turn, normally requires a state to have developed sophisticated air capabilities of its own.

Insofar as the aim of the Register is only to cover those systems that would be of significant offensive value in a war between well-armed states, there may be relatively little need to make significant adjustments to the existing five categories beyond those already discussed. There may, for example, be a case for including additional types of support aircraft when it can be proven that they could be of significant offensive value. But, there seems little reason for reducing further (for example) the thresholds for including systems such as artillery and rockets.

Yet, two caveats have to be added. First, the categories developed for the CFE Treaty and the Register are of clearest relevance to interstate war in those parts of the world where states have acquired significant arsenals of major ground and air systems. The latter includes most CSCE states, the Middle East, South Asia, and East Asia: areas of the world that together account for approximately 97 percent of total world military spending.<sup>20</sup>

The categories may be less satisfactory in the remaining parts of the world-- notably Latin America and sub-Saharan Africa--where levels of military spending per person tend to be lower, but which accounted for 41 percent of the world's armed conflicts in 1989-92.<sup>21</sup> A significant number of states in both these regions have only small arsenals of Register systems, many of which are often unserviceable. They therefore depend more heavily on lighter weapons than their European and Asian counterparts, both for offensive and defensive purposes. Yet, the absence of large stocks of heavy weapons and sophisticated air forces in these regions does not in itself remove the potential for surprise attack. Rather, it means that the possession and deployment of other systems become a more important component of that potential. Against a weak opponent, a surprise attack can be launched, and territory conquered and held, without the weapons that would be necessary for this purpose in regions with more developed arsenals. Mobility can be provided by cross-country civilian vehicles, and firepower by machine guns, mortars, and portable missile launchers. Poorly-armed opponents and civilians can be conquered and intimidated without the need for

heavily armored vehicles or heavy artillery, as a number of recent wars (such as those in Chad and Somalia) illustrate.

Moreover, the concentration on heavy weapons in both the CFE Treaty and the Register is based on a focus on potential conflict between states. Such a focus may well have been justified in the late 1980s, when the main concern of arms control was to regulate, and make less dangerous, the confrontation between two cohesive military alliances. In the 1990s, when intrastate conflict is much more central to the concerns of the international community (not least in Europe), it is less clear--at least conceptually--that transparency measures should focus exclusively on heavier weapons. While interstate conflict should remain a central concern of the Register, there is a case for at least considering whether, either in the Register itself or in complementary regional measures, lighter weapons should be included. It might be particularly appropriate to examine whether enough use is being made of the Register's potential to complement the U.N.'s peacekeeping and peacemaking efforts.

In this context, a recent example of conventional arms control "on the ground" in conflict situations is instructive on which weapons are considered most relevant in practice. The NATO ultimatum to the warring parties in Sarajevo, issued in February, called for the withdrawal, or regrouping and placing under U.N. Protection Forces (UNPROFOR) control, of the: "heavy weapons (including tanks, artillery pieces, mortars, multiple rocket launchers, missiles and anti-aircraft weapons)"<sup>22</sup> of both the Bosnian Serbs and the Bosnian

government. All weapons with a caliber of 12.5 millimeters or more, including heavy machine guns and all missiles, were considered to be "heavy weapons" in this ultimatum. Rifles and small arms, by contrast, remained subject to the cease-fire but could be retained by the opposing forces.

The adoption of a similar lower limit in Category III of the Register would have the effect of bringing in large numbers of additional crew-served weapons (mortars, heavy machine guns, cannon, and anti-tank weapons), while still excluding personal weapons, such as rifles and submachine guns. It might help to encourage exporters of such systems to areas of tension, together with their governments, to improve their procedures for monitoring and controlling these exports.

However, an expansion of the Register now to cover large number of lower-caliber weapons could impose substantial additional reporting burdens at a time when member states may also have been asked to provide data to the United Nations on military holdings and procurement from national production. It may be better to postpone a major expansion of this category to a future review.

#### *Land mines*

Finally, a case has been made for considering whether the Register should be used to increase pressure for control of the world-wide trade in land mines. On December 16, 1993, the U.N. General Assembly passed a non-binding resolution calling for a ban on exports of land mines. The United States has extended its own moratorium on exports of these weapons, and has

called on others to do the same.<sup>23</sup> And the U.S.-based organization Human Rights Watch has recently called for the inclusion of land mines in the Register.<sup>24</sup>

The inclusion of these "weapons of mass destruction by slow motion" might pressure the remaining major suppliers of land mines to follow the General Assembly's lead. Moreover, most of the largest producers (including the former Soviet republics, Italy, and China) do already participate in the Register.

On the other hand, the proposal to include land mines raises quite important issues of principle. First, on what basis would land mines be judged to meet the criteria for inclusion in the Register? In terms of their contribution to human suffering, the case is clear. Moreover, in some contemporary conflicts they do play a crucial role in hampering the movement of opposing forces and as a weapon of terror against enemy territory. But, is this enough to meet the 1992 Panel's suggestion that "military relevance" should be the key?

Even if it were accepted that mines were militarily relevant, there may be a second argument. It is often argued that central to the Register concept is concern only with "legitimate" weapons, i.e. whose possession is generally judged to be an acceptable part of national self-defense. If it is decided, perhaps through modification of the Inhumane Weapons Convention, that trade in these systems should be ended, they can no longer be seen as part of legitimate trade. If there were serious progress towards a global ban on the trade in mines, it would make sense for transparency measures to take place as part of a regime specifically concerned with

mines. Unlike the Register, such measures would be concerned with revealing illegitimate trade, not announcing legitimate transactions. Until and unless the trade in mines is again viewed as legitimate, it might be better to seek other means of monitoring and exposing it.<sup>25</sup> If such measures are not taken, however, there may be a case for reconsidering the inclusion of these systems in the Register.

### Missiles and missile launchers

By far the biggest criticism of the current categories relates to the unsatisfactory nature of Category VII: "Missiles and Missile Launchers." Moving to a more satisfactory treatment of these systems would remove one of the more obvious anomalies in the current system.

The problems of this category, already recognized by the 1992 Panel, were further highlighted by 1992 Register returns. They called into question the value of including information on the current basis. For example, total U.K. stocks of missiles and missile launchers were estimated to be 23,892, more than half the U.S. holdings of 43,975. By contrast, Germany reported missile stocks of only 40 (excluding classified holdings).<sup>26</sup> In the absence of more detail, these figures are almost meaningless, and cannot contribute significantly to the enhancement of transparency between states.

Generally speaking, however, it remains true that many states find it more difficult to be transparent about missiles--especially missile holdings--than about any of the other six categories. This hypothesis is supported by an analysis of the background information on military holdings and procurement from na-

tional production provided by states to the United Nations in 1993. A total of 24 countries provided some data on procurement and holdings, and of these 10 countries (Australia, Austria, Brazil, Canada, Chile, Japan, Netherlands, New Zealand, Nicaragua, and Sweden) included item descriptions for their holdings of the first six Register categories. But only one country--Canada--provided item descriptions for its holdings of missiles and missile launchers.<sup>27</sup>

Thus, the automatic inclusion of all missiles in any "deepening" proposal may reduce significantly the extent to which states are prepared to accept development of the Register's reporting requirements in other areas. Given the special status member states already give to missiles in their returns, the possibility of formalizing this status, through the adoption of a rather different set of requirements for missile transparency than for the other categories, might be considered. For example, the existing Category VII could be divided into two separate categories: (a) VII missile launchers and remotely propelled vehicles (RPV's), and (b) VIII missiles. Any additional requirements for transparency in the first seven categories of launchers (including missile launchers and RPV's)-- for example for descriptions, procurement, and holdings--could be separately debated in the case of the new category.

Additional data on missiles could be included in the main Register tables. For "types" information in particular, however, there may be a case for developing transparency for missiles less rapidly than in the case of the first seven categories. The argument for such an approach would

be that the first stage should be to maximize the number of countries that release gross figures on missile stocks and procurement. Only when participation has reached some, unspecified, level would the possibility of also releasing types data be considered.

#### *Longer-range missiles*

The Register might make a modest contribution to the development of the Missile Technology Control Regime (MTCR) by including a subcategory in the missiles category specifically for those missiles with a range of 300 kilometers or more. The number of systems reported in this subcategory is likely to be very small, and might be confined to transfers between MTCR states. But it could usefully reinforce the distinction between transfers of short-range missiles and transfers of longer-range missiles. It might also be a useful contribution towards developing a more general transparency regime for longer-range missiles, encompassing military holdings and procurement from national production as well as transfers.

Yet, as in the case of land mines, the argument could be made that the Register should not be used as a means of monitoring trade in those systems where active consideration is being given to a prohibition on use or transfer. Moreover, were it to be suggested that such a proposal should also cover holdings, the nuclear weapon states (particularly those with limited stockpiles) would be likely to have serious problems. Even if the general case for increased transparency in longer-range missiles is accepted, therefore, it may be that some other forum--such as a Nuclear Weapons Register --is

more appropriate for its realization.<sup>28</sup>

#### *Ground-to-air missiles*

The final issue regarding Category VII is whether the group might want to re-examine the decision of the 1992 Panel that the Category "does not include ground-to-air missiles [GAM's]." One of the arguments put forward in favor of this apparently anomalous exclusion was that GAM's are said to be defensive in nature and thus not "destabilizing." Yet, such a characterization is open to dispute. The offensive or defensive character of a weapon depends very much on the context in which it is deployed, with "defensive" tactics and weapons often being a key element of offensive operations. In at least two recent cases, moreover, GAM systems have been specifically identified as a source of tension. The NATO ultimatum to forces surrounding Sarajevo specifically mentions the need to withdraw, or place under UNPROFOR control, "missiles and anti-aircraft weapons."<sup>29</sup> North Korea has recently complained strongly about the proposed deployment of Patriot missile systems in South Korea. At the very least, therefore, some states view such systems as having an offensive potential.

More generally, however, since the Register is not a control device, the inclusion of any weapon system cannot be taken as an acceptance of the assumption that the systems in question are "destabilizing." The 1992 Panel does not use this criterion, stating only that weapons could be added to the Register if they are "of military relevance in terms of their impact on regional and global stability." In view of this, GAM's

would appear to be a strong candidate for future inclusion in the Register.

#### **Weapons of mass destruction**

The 1992 Panel suggested that the possibility of adding "systems for the delivery of weapons of mass destruction not already covered by the Register" should be included in the work of the 1994 Review. Yet most, if not all, such weapons are already covered in the existing seven categories. "Combat aircraft" should include strategic and tactical bombers, irrespective of possible payload. "Warships" should include strategic submarines. "Missiles and missile launchers" should include (a) independent launchers for all ballistic and cruise missiles with a range of over 25 kilometers; and (b) all ballistic and cruise missiles with a range of over 25 kilometers. Despite the Register's title, even a missile exclusively designed and equipped to carry nuclear warheads should still be declared.

As long as the Register's standardized definitions only apply to transfers, this has few practical implications. It implies that transfers of Trident D5 missiles from U.S. ownership to U.K. ownership should be included in the Register.<sup>30</sup> But we know of no other recent international transfers of delivery systems whose role is primarily nuclear. Indeed, an increasingly strong international norm is being developed against such transfers, with the sole exception of the U.S.-U.K. relationship.

Were the same categories that are currently used for transfers to be used for reporting of military holdings and procurement from national production, virtually all the nuclear-capable missiles of the five recog-

nized nuclear weapon states would have to be included, together with missiles of other states that may be developing nuclear weapons covertly. If, in addition, these countries were to include item descriptions in their holdings and procurement returns, significant additional information on nuclear arsenals and their development would become available.

### REPORTING WEAPON TYPES

The Register in its current form already includes provision for states to provide further information on the role and model of the weapons which they report. An additional column, divided into two parts, "description of item" and "comments on the transfer," is provided in the standardized reporting form. One of the items on the agenda of the 1994 Group is whether to make the completion of this part of the form less "voluntary" than it is at present. There would be a number of advantages from doing so. It would give a more accurate picture of the significance of particular purchases. It would make it easier to make appropriate allowance for the large amount of trade in second-hand systems (for example, a large proportion of German exports in 1992 consisted of former German Democratic Republic systems surplus to Germany's own requirements). It would help address the concern that a numerical representation of the arms trade ignores the qualitative dimension. It could also serve as a crosscheck of whether states have correctly understood the Register requirements.

Yet, if fuller item descriptions are to be included, the group will have to overcome the resistance that re-

mains on the part of most major arms exporting nations. North Atlantic Treaty Organization (NATO) and European Union (EU) members have been unable to agree upon a common position on reporting of types. The United States, United Kingdom, Japan, and France did not give type information in 1993, while Germany, the Netherlands, Australia and Canada did.<sup>31</sup> By contrast, some other states were more likely to include types data than they were to provide procurement and holdings information. Both Brazil and Italy argued for the inclusion of such data in the 1992 Panel in order to emphasize the relatively low-tech nature of their own exports.<sup>32</sup>

### PROCUREMENT AND HOLDINGS

One of the most important issues for the 1994 Group will be how to fulfill its mandate to examine the modalities of an early expansion of the Register to include procurement through national production and military holdings. Wide agreement among U.N. member states in 1991 to establish the Register was secured partly on the basis of an understanding that such an expansion would take place.<sup>33</sup>

An important reason why there is wide demand to extend the Register to cover national procurement is that this would complement information on transfers, and thus provide more complete information on trends in military holdings. It would also address the concern that the current Register imposes greater transparency on major arms importers than on countries with substantial domestic arms industries. Moreover, whereas relatively few countries have much to report in any one

year on transfers or procurement of major conventional arms, virtually all countries have significant military holdings. Such an extension could therefore help to extend the perceived relevance of the Register as a means of monitoring levels of conventional arms.

Yet, expanding the Register to cover both procurement from national production and military holdings would substantially increase international transparency in an area where there has previously been little publicly available official information. A decision to ask governments to provide details of their holdings of conventional arms, even if phased in over two or three years, would require a considerable commitment of political energy in order to make it work. It would constitute a major advance in transparency, which some of the world's more secretive states are likely to resist. The data publicly available on stocks of conventional weapons held by many major developing states are accurate only within rather wide margins of error. Even a massive Cold War intelligence effort by NATO came up with estimates for Soviet and East European conventional arsenals that proved--in the light of subsequent CFE Treaty declarations--to be not always very accurate. The lack of a comparable NATO intelligence effort vis-à-vis the armies of developing states means that official estimates for these states may in some cases be even sketchier. As a consequence, by revealing their stocks of aircraft and tanks, states might well be telling other states (and, perhaps of greatest concern, potential regional adversaries) facts that were not previously known. How important such data will be in military terms should not be overstated.

Equipment numbers are only one component of military power. As the "conventional balance" debate of the 1980s in Europe showed, however, numbers also have a political significance. States with large arsenals—even if composed largely of obsolete systems—may be reluctant to expose themselves to the propaganda value that returns on military holdings could provide to their critics.

Governments may decide that such transparency is in their security interests because it will reassure others that they have only "reasonably sufficient" arsenals. For, in the absence of official data, exaggerated unofficial data—often derived in turn from worst case intelligence estimates—carry wide credibility. But few countries will find it easy to break with traditions of military secrecy. Considerable effort has been devoted to convince governments to provide even the modest amount of data required by the current Register on transfers, despite the knowledge that transactions are, in many cases, also being reported elsewhere (either officially by a trading partner or unofficially by SIPRI and others). Asking these same governments to provide data on weapons holdings is likely to be an even tougher task.

### Defining "military holdings"

If "military holdings" are to be included in the Register on a standardized basis, it will be necessary to define what is included in this term. This is by no means a straightforward issue. It is clear from the 1992 Panel's discussion of the definition of transfers that military holdings should exclude systems held by other states on one's own territory, but include systems held outside na-

tional territory by one's own forces. The remaining definition issues can be divided broadly into two:

\* First, should the holdings of armed forces, other than regular military forces, be included in "military holdings"? Not all the armed forces under government control are regular military forces. In the first place, there are reserve forces that operate on reduced manning levels in peacetime, and whose equipment is often kept in various forms of storage ready for mobilization. It would be possible to confine Register transparency simply to "active" forces (say of 70 percent manning or above), on the argument that these forces are particularly suitable for surprise attack. Such an arrangement creates difficulties in deciding on a common position on which forces should be considered "active," and also ignores the fact that reserve forces play a vital role in many countries' preparations for combat, both defensive and offensive. Moreover, since countries vary greatly in their active/reserve balance, the exclusion of the latter could severely distort comparisons between states. The case for including the holdings of both active and reserve forces, therefore, seems rather clear-cut.

Matters may be rather more difficult when one comes to forces that are not primarily military, but who are nevertheless armed. Many governments have border troops, coast guard troops, and internal security forces that can possess significant numbers of such systems and which could, in some circumstances, be re-deployed for military duties. For example, Russia's 100,000 border troops are reported to possess 1,500 armored combat vehicles, 90 heavy artillery pieces, 70 aircraft, 200

helicopters and "about" 212 patrol and coastal combatants. Russian internal security troops hold another 1,200 armored personnel carriers.<sup>34</sup> All these systems, if they are located within the CFE Treaty area, are subject to information exchange.

\* Second, should the holdings of bodies other than armed forces be included in "military holdings"? For example, should the Register cover systems in transit, held by factories, held in historical collections, or awaiting disposal? In reaching a decision on this matter, it may be useful to take the experience of the CFE Treaty into account. The CFE Treaty deals with these different categories as follows:

1) Equipment in storage or mothballed is subject to the overall treaty limits, but exempt from the sub-limits on items in active units.

2) Equipment decommissioned awaiting disposal, awaiting export, or used only for research and development is subject to information exchange but not subject to the overall treaty limits.

3) Equipment in the process of manufacture, in historical collections, or in transit through the CFE Treaty area for less than seven days is not subject to either information exchange or limitation.

Were the Register to be based on similar principles, only equipment in the last three categories would be excluded from the count. The greatest impact of this would probably be on items held by arms manufacturers. It would mean that items still in the process of manufacture would be excluded. Once completed, however, they would be included even before they were handed over to a client. By providing "background information" on its holdings of weapons awaiting export, Bulgaria

has already demonstrated how such a system could have a significant impact on the number of weapons declared. In seeking to establish a clear definition of military holdings, the Group of Experts will have to consider whether or not this should become a general principle.

### Implementation requirements

One of the main problems that will be encountered if military holdings are added to the Register is that it will generate a demand for large quantities of information that, in many cases, may not be readily available. Given the average lifetime of equipment, the number of items in military holdings could be 30 to 40 times as great as those bought (domestically and from elsewhere) in a given year. This information has already been compiled and provided by NATO states, and could also be provided by other CSCE participants from existing CSCE information exchange arrangements (with some amendment). Yet, some countries may find they have substantial extra data collection requirements. States do not always retain accurate records for stocks of older weapons, especially if weapons are in storage and/or mothballed. Once states have established a baseline inventory, collection costs would diminish substantially. At least in the first years, however, allowance will have to be made for technical difficulties and genuine error in the compilation of information.

### A withdrawals section in the Register?

Our discussion of the choices involved in defining "procurement from national production and mili-

tary holdings," raises the further question of how to define at what stage a system ceases to be part of military holdings. Systems are taken out of holdings because of accident or war, because of scrapping obsolescent systems, and because of sale to other states. But how does one account for systems that are returned to a factory or dockyard for refit or upgrading? For the sake of completeness, it appears we may also need a definition of "withdrawal from holdings." Such a definition should probably exclude "temporary" withdrawal of systems from service for refit/upgrading, even when systems are temporarily disabled or disarmed (for example refits for frigates). But, it should include "permanent" withdrawal from service, even if the system retains a military role.

Should withdrawals be included in the Register? Arguments for such a system include:

- \* If and when returns on military holdings are included, it will in any case be possible to deduce a figure for withdrawals from the change in holdings between two years, combined with procurement data for the year in question. Requiring an explicit statement on withdrawals, however, will act as a valuable cross-check (both within governments and publicly) on the consistency of returns.

- \* The numbers involved are relatively modest compared with those in "holdings." Data collection may be correspondingly easier.

- \* It may create a modest additional incentive for states to scrap older systems. Some states could present themselves as actually reducing their arsenals even before declaring their holdings.

If the case for including with-

drawals data in the Register were accepted, the first step might be to ask governments to consider supplying this data as part of their "background information." After an initial trial period, however, the data could either be used to create a new standardized form or incorporated into those that already exist for transfers and procurement from national production.

### TRANSPARENCY AND OPENNESS?

It has increasingly become apparent that one of the drawbacks with some existing transparency agreements is that the required information is normally exchanged on a confidential state-to-state basis.<sup>35</sup> For example, some governments believe that they would be committing a breach of confidentiality were they to reveal their own CFE Treaty returns publicly, even if they are made available to a large number of foreign governments.

This lack of domestic openness in existing transparency regimes may tend to weaken the effectiveness of those regimes. It means that it is left to states to monitor whether other states are complying with their international obligations. In some circumstances, governments will be willing to use the data provided to press their counterparts to change their approach. The vigor with which they pursue this quest is likely, however, to be moderated in large measure by an assessment of the potential damage to wider interstate relations of making an issue out of a particular set of data. Moreover a state's ability to put effective pressure on other states will be restricted by the prohibition on public disclosure. As a consequence,

sensitive issues are likely to be raised later than they would have been if data were freely available to parliaments and non-governmental organizations.

In contrast to CSCE-based transparency regimes, the data provided to the U.N. Register of Conventional Arms is publicly available. The first annual report on the Register, published in October 1993, reproduced the data provided by participating states on their exports and imports of major conventional armaments in calendar year 1992.<sup>36</sup> The publication of the report was swiftly followed by a number of independent studies of the Register returns by academics in Europe and North America.<sup>37</sup> Moreover, the "background information" provided to the United Nations on military holdings and procurement from national production is also publicly available, even when it includes (as in the case of Sweden) national CSCE returns. The United Nations has not published the background information provided in 1993. It does, however, make it available to researchers, and all the information relating directly to military holdings and procurement from national production has been reproduced in a recent paper.<sup>38</sup>

Without public disclosure of Register data, it is unlikely that the first year of its operation would have attracted much attention. The anomalies it contains would have remained a matter for inter-governmental consultation, and the pressure on governments to reduce these anomalies in future years would have been significantly reduced.

Nor does the Register simply report data that were already available in the public domain. Our study of the Register suggests that a large proportion of the arms transfers re-

ported had not been included in either *SIPRI Yearbook* or the *IISS Military Balance 1993/94*, the two most authoritative independent sources of information in this field.<sup>39</sup> The publication of the Register would mean that these organizations could significantly improve their coverage of the conventional arms trade in years to come.

Already the experience with the Register may suggest a lesson for other transparency regimes. In a few cases, there may be valid security arguments (such as the potential value to terrorists of knowing the location of weapon systems) for restricting the information that is made publicly available. In most cases, however, the case against publication is based on political rather than security considerations. Both in NATO and in former Warsaw Pact countries, the legacy of Cold War secrecy remains strong, and some governments remain uncomfortable with the idea of detailed parliamentary scrutiny of their security policies. Yet, it is also increasingly recognized that the democratization of defense policy can itself contribute to peace and security in Europe. With this in mind, NATO is now engaged in a major program to promote the development of mechanisms for democratic control of defense policy in former communist countries of Eastern Europe and the former Soviet Union.<sup>40</sup> One way to enhance that accountability, both in former communist states and in NATO members, would be for the members of CSCE to agree to make their annual data exchanges publicly available. For when transparency and public openness go together, the value of both is enhanced.

This does not mean that confidential transparency agreements be-

tween states do not have a role in some circumstances. For example, the effectiveness of supplier regimes (such as the Missile Technology Control Regime, Nuclear Suppliers Group, Australia Group, Coordinating Committee for Multilateral Export Controls (COCOM), and, potentially, P5 pre-notification of transfers) often depends to a significant extent on exchanges of sensitive technical information, which states may only be willing to share with other regime members or trusted allies. Yet, when a transparency regime is global, and/or it involves an exchange of data between all governments with an interest in an issue, then the general principle should be that information be made available to national parliaments and the general public, unless there are convincing security arguments (such as potential value to terrorists) against disclosure. As argued above, the effectiveness of the transparency regime itself, as well as governments' accountability to national legislatures, may be undermined by undue secrecy.

## CONCLUSION

Even if it is only developed modestly, the U.N. Register of Conventional Arms could still make an important contribution to international security. After a few years, the reported information will allow a more accurate understanding of trends in the trade, procurement, and holdings of major conventional arms. Because it is official information, it can formally be used as a basis for discussions on regional and global security in the U.N. Security Council and other international fora. Thus, it could facilitate cooperative actions by Security Coun-

cil (or the P5) to prevent regional conflict, or promote the development of regional confidence- and security- building measures. For example, countries in the Asia-Pacific could use Register reports as a basis for regional discussions on conventional arms transfers or procurement, and thus on broader security issues. It is also important to note the potentially important domestic effects of the Register. Even the process of establishing systems to collect relevant data may stimulate governments into improving their regulations and monitoring systems for arms transfers and production. Moreover, information in the Register may help national legislatures and the general public to scrutinize government policies more effectively, thus democratizing debates and perhaps encouraging governmental restraint. Thus, both in its international and domestic effects the U.N. Register of Conventional Arms could be a useful additional member to the family of international transparency agreements.

Yet, the Group of Experts faces a number of difficult choices in determining where the Register should go next. In this article we have argued that the prospects for the Register depend on a successful blending of two elements: a strengthening of the operation of the Register on the one hand, and a skillful handing of the difficult choices over expansion of coverage on the other. In its first two years of operation, the priority has been to maximize participation. As a result, governments have had considerable latitude to choose how to participate. In the future, however, the advantages of loose guidelines will need to be balanced against the risks of a drift away from the Register's found-

ing principles of universality and non-discrimination. There is already a danger that the Register could end up producing high levels of transparency between those states who need it least, and much less between those who need it most. This danger can best be avoided by insisting on clear and universal guidelines for participation, even if as a result the process of "deepening" is less rapid than some countries would wish.

<sup>1</sup> This is an abbreviated version of two papers prepared for an international workshop on the development of the Register held in Monterey on April 6-9 1994. The complete papers have been published in Malcolm Chalmers, Owen Greene, Edward Lurance, and Herbert Wulf, eds., *Developing the United Nations Register of Conventional Arms*, Bradford University, Bradford Arms Register Studies Number 4, May 1994. The authors wish to thank the Ford Foundation for financial support, and Kim Tay for editorial assistance.

<sup>2</sup> For example, see Office of Technology Assessment, *Global Arms Trade* (Washington, D.C.: U.S. Government Printing Office, 1991); Michael Klare, "Gaining Control: Building a Comprehensive Arms Restraint System," *Arms Control Today* (June 1991), pp. 9-13; Congressional Budget Office, *Limiting Conventional Arms Exports to the Middle East* (Washington, D.C.: U.S. Government Printing Office, 1992).

<sup>3</sup> Defined as "agreements which seek to impose limits on the military capabilities which states may possess or acquire."

<sup>4</sup> As part of this initiative, the five permanent members of the U.N. Security Council (the "P5") held a series of meetings during 1991 and 1992 aimed both at developing common guidelines for conventional arms exports in general, and also at the development of procedures for pre-notification and consultation among the five on planned arms sales to the Middle East. Since these states were also the five main exporters of conventional arms (collectively accounting for more than 80 percent of all arms transfers agreements in 1991 and 1992), agreement between them could potentially have had a significant impact.

After the meeting of October 17-18, the five countries involved issued a communique outlining common (but broad) guidelines for conventional arms transfers, though each state was to remain responsible for the interpretation of these guidelines in relation to its own exports. In relation to the Middle East, the states pledged to notify each other when transferring major weapons systems to the region. For almost a year after this meet-

ing, experts from each of the governments met in order to agree upon which arms transfers would require notification, discuss how much advance notice would be required and in what detail, and to define the limits of the "Middle East" for the purposes of the regime. Unfortunately, it proved difficult to make progress on most of these issues, with persistent disagreements between China and the other participants. After the Bush administration's decision to sell 150 F-15 aircraft to Taiwan in September 1992, China withdrew from the process in protest. Since then the P5 process has remained suspended, though not formally abandoned.

<sup>5</sup> *United Nations study on ways and means of promoting transparency in international transfers of conventional arms*, U.N. General Assembly document A/46/301, September 1991, p.13. Transparency measures have become an increasingly important part of the arms control agenda over the last decade. They were given considerable impetus by the 1986 Stockholm agreement, and by the series of CSCE-based transparency agreements that followed. An increasing number of states outside Europe, for example in South Asia, the Middle East, and Latin America, have now begun to explore ways of developing such regimes. There is a growing recognition that such measures—which may range from prior notification of major exercises to exchanges of data on military arsenals and doctrine—can play a valuable role in reducing mistrust between potential opponents.

Moreover, in comparison with measures of structural arms control, transparency measures are often easier to negotiate. By its nature, structural arms control needs to be based on some definition of what constitutes an acceptable, or at least less unacceptable, level of relative capabilities: for example a definition of which countries are entitled to have ballistic missiles and which are not. Transparency measures, by contrast, usually impose identical obligations on all participants in an agreement; and they do not seek agreement on whether particular military activities are acceptable or not. Rather, by providing more information on those activities, they provide the data on which further discussions—on both a bilateral and multilateral basis—can then build. For a more developed discussion of the role and possible limits of transparency measures, see Malcolm Chalmers and Owen Greene, *Implementing and Developing the United Nations Register of Conventional Arms*, Bradford Arms Register Studies No. 1 (Bradford University, May 1993), pp. 20-25.

<sup>6</sup> *United Nations Register of Conventional Arms: Report of the Secretary-General*, U.N. General Assembly document A/48/344, October, 1993, p. .

<sup>7</sup> *SIPRI Yearbook 1993* (Oxford: Oxford University Press, 1993), p. 445.

<sup>8</sup> Recently, this information was published in Malcolm Chalmers and Owen Greene, *Background Information: an analysis of information provided to the UN on procurement from national production and military holdings in the*

first year of the Register of Conventional Arms, Bradford Arms Register Studies No. 3 (Bradford University, March 1994).

<sup>9</sup> The Group has also appointed Edward Laurance (in Monterey) and Herbert Wulf (in Bonn) as expert advisors.

<sup>10</sup> Report on the United Nations Register of Conventional Arms, U.N. General Assembly document A/47/342, August 14, 1992, p. 13.

<sup>11</sup> Malcolm Chalmers and Owen Greene, Background Information, *op. cit.*

<sup>12</sup> It would also be possible to request that this information be provided with data on transfers and procurement through national production. However, because it will often be the case that the numbers of items in these returns are typically very small, this would often be equivalent to a request to reveal the precise type of the items transferred.

<sup>13</sup> Even without a mechanism for agreement on common lists, the publication of national lists might, over time, lead to significant convergence between national approaches. An invitation to governments to provide such lists, therefore, does not depend on either the creation of a standing panel or a strengthened role for the Center for Disarmament Affairs.

<sup>14</sup> Report on the United Nations Register of Conventional Arms, A/47/342, *op. cit.*, pp. 17-18.

<sup>15</sup> "Significance" here is defined as "their impact on regional and global stability." Report on the United Nations Register of Conventional Arms, A/47/342, *op. cit.*, p. 17.

<sup>16</sup> The one exception is armored vehicle launched bridges, which are subject to a limit of 740 held by each group (that is, former alliance) in active service. Individual national limits are not established.

<sup>17</sup> Article II, para. 7(Q) of the CFE Treaty quoted in Arms Control Today (January/February 1991), p. .

<sup>18</sup> Malcolm Chalmers and Owen Greene, Background Information, *op. cit.*, p. 64.

<sup>19</sup> Report on the United Nations Register of Conventional Arms, A/47/342, *op. cit.*, p. 17.

<sup>20</sup> International Institute for Strategic Studies, Military Balance 1993-1994 (London: Brassey's, 1993), pp. 224-228.

<sup>21</sup> Ramses Amer et al., "Major Armed Conflicts," in SIPRI Yearbook 1993, *op. cit.*, Table 3.2.

<sup>22</sup> NATO communiqué, February 11, 1994, para 6.

<sup>23</sup> "Ban the mine," Economist, January 7, 1994, p. 15.

<sup>24</sup> Human Rights Watch and Physicians for Human Rights, Land mines: A Deadly Legacy (October 1993), pp. 115-116.

<sup>25</sup> It should be noted, however, that the Register includes trade in missiles, including those covered by the Missile Technology Control Regime. In contrast to the case of mines, however, it is not currently being proposed that there be a world-wide ban on trade in such missiles, only a selective one.

<sup>26</sup> Malcolm Chalmers and Owen Greene, Background Information, *op. cit.*, p. 43.

<sup>27</sup> Malcolm Chalmers and Owen Greene, Back-

ground Information, *op. cit.*, p. 38. Canada declared holdings of 845 AIM 7 (Sidewinder) and 784 AIM 9 (Sparrow) air-to-air missiles. Austria made a nil return for "Missiles/Systems" and the Netherlands left blank the space entitled "Missiles and Missile Launchers" in its holdings declaration.

<sup>28</sup> Malcolm Chalmers, "Transparency and the existing nuclear weapons states," memorandum submitted to the House of Commons Foreign Affairs Committee enquiry into weapons proliferation and control, February 1994.

<sup>29</sup> NATO communiqué, February 11, 1994, para 6.

<sup>30</sup> If this interpretation were followed by the United States and United Kingdom in their 1992 returns, it would suggest that no Trident sales were completed in calendar year 1992.

<sup>31</sup> In its letter of transmittal dated April 29, 1993, the United States stated that it "considers that it would be useful to provide additional detailed data on type and designation of arms transfers. We are therefore consulting with other interested States regarding what additional data would be useful. We hope to be in a position before the next report is due to provide supplemental data." United Nations Register of Conventional Arms: Report of the Secretary-General, A/48/344, *op. cit.*, p. 109. To our knowledge, supplemental data have not yet been submitted.

<sup>32</sup> Herbert Wulf, "The United Nations Register of Conventional Arms," Appendix 10F, SIPRI Yearbook 1993, *op. cit.*, p. 540.

<sup>33</sup> For the first year of operation of the Register, participating states were asked to provide, as part of their reply to the Secretary-General, "available background information" regarding their military holdings, procurement through national production, and relevant national arms import and export policies, legislation, and administrative procedures. Of the 83 governments that had replied to the Secretary-General's request for information for the 1992 Register by January 1994, 24 states provided data on military holdings, of which 15 governments also provided information on procurement through national production. A further six governments provided some information on holdings and/or procurement in their reply, rather than in "background information."

<sup>34</sup> International Institute for Strategic Studies, Military Balance 1993/94 (London: Brassey's, 1993), p. 106.

<sup>35</sup> For further discussion, see Jane Sharp, "Conventional arms control in Europe," SIPRI Yearbook 1993, *op. cit.*, pp. 629-630.

<sup>36</sup> United Nations Register of Conventional Arms, A/48/344, *op. cit.*

<sup>37</sup> For example, see Edward Laurance, Siemon Wezeman, and Herbert Wulf, Arms Watch: SIPRI Report on the First Year of the UN Register of Conventional Arms (Oxford: Oxford University Press, 1993); Malcolm Chalmers and Owen Greene, The United Nations Register of Conventional Arms: An Initial Examination of the First Report, Bradford Arms Register Studies No. 2 (Bradford University, October 1993); Natalie

Goldring, Moving towards transparency: an evaluation of the United Nations Register of Conventional Arms, BASIC Report 93.6 (British American Security Information Council, November 1993); Ian Anthony, "Assessing the UN Register of Conventional Arms," Survival (Winter 1993), pp. 113-129.

<sup>38</sup> Malcolm Chalmers and Owen Greene, Background Information, *op. cit.*

<sup>39</sup> For a detailed analysis, see Malcolm Chalmers and Owen Greene, "The United Nations Register of Conventional Arms: the first year of operation," in Verification Technology Information Centre (VERTIC), Verification 1994: Peace-keeping, Arms Control and the Environment (London: Brassey's, 1994).

<sup>40</sup> See, for example, Michael Quinlan, "The role and oversight of armed forces within democratic societies," NATO Review, 5, (1993).