# Managing the Global Problems Created by the Conventional Arms Trade: An Assessment of the United Nations Register of Conventional Arms

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One of the first global security problems to emerge in the post–Cold War period was the excessive and destabilizing accumulation of conventional weapons. The only truly global instrument to emerge to cope with this was the United Nations Register of Conventional Arms. This article is an assessment of how this transparency and confidence-building measure has contributed during its ten-year existence to the management and global governance of the negative consequences of the arms trade. The Register has developed an important norm and made arms transfers more transparent. But it still has a long way to go before it can play its inherent role in establishing a cooperative security regime that would address excessive and destabilizing arms buildups. **KEYWORDS:** conventional arms trade, United Nations, Register of Conventional Arms, transparency, confidence building, cooperative security.

At the end of the Cold War and throughout the 1990s, the international community began to seriously address an emerging set of global problems—disease, pollution, violations of labor rights, gender inequality, HIV/AIDS, poverty, injustice, inequitable access to resources—that were increasingly understood to be the result of the increasing globalization that accompanied the collapse of the bipolar international system. Phrases such as *new world order*, *global governance,* and *managing global issues* were increasingly being used to describe how the world was organizing to deal with these problems. Like all global social conditions or problems, the negative consequences of the arms trade must be managed.[1]

Surprising to many, this movement toward global solutions also took place in an important dimension of international security: reducing

and preventing the negative effects that accompany the proliferation, availability, and misuse of military weapons. Cooperation among states increased in the area of weapons of mass destruction (WMD): the Chemical Weapons Convention was signed in 1993 and entered into force in 1997; the Treaty on the Nonproliferation of Nuclear Weapons (NPT) was indefinitely extended in 1995; the General Assembly, by resolution in 1996, adopted the Comprehensive Nuclear Test Ban Treaty; serious negotiations resumed aimed at developing a verification regime for the Biological Weapons Convention; and the International Code of Conduct Against Ballistic Missile Proliferation, known as the Hague Code of Conduct, was agreed in 2002. Concomitantly, at the other end of the weapons spectrum, a treaty banning antipersonnel landmines was signed in 1997; the state parties of the Convention on Certain Conventional Weapons (CCW) adopted the Protocol on Explosive Remnants of War (ERW) in 2004; and in 2001, the UN held an international conference that produced a Programme of Action to prevent and reduce the effects from the proliferation and misuse of small arms and light weapons. In all these cases, norms emerged to guide the behavior of states; institutions for global agenda setting and policymaking were developed and their mandates grew; and monitoring of compliance became a normal function.[2]

Noticeably missing from this list is any mention of global action to control the effects of the unrestrained trade in major conventional weapons: tanks and armored fighting vehicles, fighter aircraft, helicopters, ships, artillery, and missiles.[3] This reality exists, despite a consensus among states that the unrestrained arms exports to Iraq in the 1980s led directly to the Iraqi invasion of Kuwait in 1990. Although a flurry of discussions ensued in the wake of the Gulf War as to how the world could prevent a recurrence, very little in the way of global norms and institutions emerged to restrain the trade in these weapons.

One exception to this trend was the development, in the autumn of 1991, of the United Nations Register of Conventional Arms (hereafter referred to as the Register). This article treats the Register as a cooperative security policy initiative that, if implemented, would lead to the reduction and prevention of negative effects from this class of weapon. In the first part of the article, we describe the four elements of the Register, which are the criteria we use to evaluate its effectiveness.

This evaluation of the first ten years of the Register concludes that a major innovation in international security has been achieved, since it is now normal for national governments to report publicly their arms exports and imports. Most of the world's arms trade is now public, and these data provide the basis for consultations and inquiries among states when dealing with common security. Being transparent and open with

these data has also had an impact on how individual states control their arms exports. However, the other elements of the Register remain under-developed, and a register of arms trade data by itself has not had the impact envisioned in 1991. We conclude with an assessment of the flaws in the Register's implementation and logic that need to be addressed if the negative effects of this trade are to be adequately controlled.

## The Emergence of Transparency and Confidence Building as Global Management Tools

### Iraqi Invasion of Kuwait: Negative Effects of Arms Trade No Longer Ignored

One of the first global security problems to emerge in the post-Cold War period was the excessive and destabilizing accumulation of major conventional weapons. Although the negative effects of this trade were well known during the Cold War, little was done about it. On the demand side, this was due to the primacy of these arms transfers for state security, and on the supply side, economic interests and the two blocs' support of their clients dominated. However, no sooner had the former Soviet Union begun to collapse than Iraq invaded Kuwait, in August 1990, armed with weapons provided by the major supplier states, including all five permanent members of the UN Security Council (P-5). At this time, these arms supplier states began to seriously consult on how to manage this trade to avoid future wars. A consensus emerged that the accumulation of advanced conventional weapons systems could be a major factor in the outbreak, conduct, and termination of armed conflict and that the unilateral or bilateral control approach of the Cold War would be inadequate.

There are four policy approaches that have historically been utilized to deal with the negative effects of the arms trade: export controls by supplier states, disarmament, arms control, and transparency and confidence building.[4] Unilaterally some arms supplier states tightened up their national export control systems in the wake of the Gulf War. As for multilateral disarmament and arms control, few realistic proposals surfaced, even within the UN. Despite the consensus on the negative effects of the trade, few governments championed new norms that would impinge on their sovereign right to manufacture, import, or export any weapon they deemed necessary for their national security. One exception to this trend was the so-called P-5 talks that began in July 1991, where the P-5 states began serious but secret discussions to develop

multilateral restraints on destabilizing arms transfers. However, these traditional arms trade control approaches soon fell victim to the realities of existing differences among the negotiating countries.[5]

### The Emergence of the
### United Nations Register of Conventional Arms

The Iraqi invasion of Kuwait and the ensuing Gulf War motivated governments to search for some mechanism to manage the problems created by the arms trade. It was in this environment that the fourth approach—transparency and confidence-building—emerged. Already ongoing were the deliberations of a UN group of governmental experts created by a 1988 UN General Assembly (UNGA) resolution and charged with producing a "study on ways and means of promoting transparency in international transfers of conventional arms on a universal and non-discriminatory basis."[6] This study recommended the creation of a universal and nondiscriminatory register of arms transfers under the auspices of the UN.[7]

Formal proposals for a UN Register of Conventional Arms were tabled in the UNGA by the European Community (EC) and Japan. With the United States basically sitting on the sidelines, the EC and Japan entered into "complex and tortuous"[8] negotiations with the "non-aligned" states to fashion a resolution establishing the Register. The nonaligned/recipient states felt that the Register must go beyond transfers to include data on military holdings and procurement through national production, since large-scale, arms-producing countries would not have to declare much of their weapon inventory because of the limited volume of weapons they imported. The December 1991 UNGA resolution creating the Register[9] was passed by a vote of 150–0, with Cuba and Iraq abstaining and China and Syria, among others, 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 production, and relevant policies for the calendar year 1992.

### How Was the Register Supposed to
### Manage the Negative Effects of the Arms Trade?

By the autumn of 1991, it was clear that there would be no global arms trade control treaty as existed for WMD, complete with norms and a verification mechanism to ensure compliance with those norms. UNGA

Resolution 46/36 L was not about arms control per se. But what was it supposed to accomplish? How would it work to prevent armed conflict?

The basic operating philosophy of the Register was one of cooperative security: prevent "excessive and destabilizing accumulations of arms" leading to conflicts 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."[10] The Register was designed to be a first step in achieving goals wider than simply preventing arms buildups; other goals included enhancing confidence, easing tensions, strengthening regional and international peace and security, and restraining 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" and could prevent "excessive and destabilizing arms buildups [posing] a threat to national, regional and international peace and security, particularly by aggravating tensions and conflict situations."[11] The Register was primarily about providing transparent early warning of arms buildups so that the international community could consult and pressure the states concerned to "restrain" transfers fueling such buildups.

To do this the framers of the Register were clear about the components of the model. The first component was *data* in three critical areas: arms imports and exports, military holdings (the inventory of conventional weapons possessed and available for use by states), and procurement through national production. The public research and governmental practice in determining the role of arms buildups in the outbreak of armed conflict is voluminous but also has failed to develop a consensus on the variables, factors, and models that can lead to valid assessments and effective early warning. However, there is a consensus that *at a minimum* data on transfers, holdings, and national procurement are essential.

The second component is the submission of information that puts these data into *context*. The framers dealt with this very cautiously in several places in the resolution. Paragraph 2 cites the goal of preventing the excessive and destabilizing accumulation of arms while "taking into account the legitimate security needs of States." Paragraph 3 cites Article 51 of the UN Charter regarding the right to acquire arms to defend one's country. And in addition to the three streams of data, states were asked to submit "background information" on "relevant policies." The resolution also stressed the applicability of the register to regions and subregions.

The third component of the Register was the development of *methodologies and modalities* for determining when arms buildups revealed by

the data were "excessive and destabilizing." The first evidence that the framers were attentive to this aspect of the Register was their selection of specific types of weapons systems to be included in the data reporting. The categories selected for reporting in the fall 1991 negotiations were battle tanks, armored combat vehicles, large-caliber artillery systems, combat aircraft, attack helicopters, warships, and missiles/missile systems. All of these weapons were exported to Iraq in the 1980s and played a role in both the Iraqi invasion and the allied response in 1991. They were seen by the EC and Japan as having the greatest potential to be destabilizing and offensive weapons, although this was very controversial and not part of the resolution. The Conference on Disarmament (CD) in Geneva was tasked to determine when weapons would be "excessive and destabilizing." Paragraph 12 of UNGA Resolution 46/36L requested the CD to "address, as soon as possible, the question of the interrelated aspects of the excessive and destabilizing accumulation of arms, including military holdings and procurement through national production, and to elaborate universal and non-discriminatory practical means to increase openness and transparency in this field." The framers knew that at some point the data to be made transparent (component one) had to be analyzed in order to detect excessive and destabilizing arms buildups. Years of analyzing such buildups by national intelligence communities had not produced a consensus model on how to interpret such data.

A fourth component was a *consultative process* for states to utilize the data for policy action. Given historical anathema to multilateral controls on the arms trade, even at the secret level (as was the case with the P-5 talks), the framers provided little guidance to the CD on how this was supposed to develop. However, they did recognize that military balances, the key unit of analysis in determining destabilizing buildups, would be valid only at the regional and subregional levels. In that regard, paragraph 17 of the UNGA resolution "calls upon all Member States to cooperate at a regional and subregional level, taking fully into account the specific conditions prevailing in the region or subregion, with a view to enhancing and coordinating international efforts aimed at increased openness and transparency."

## Evaluation of the Register as a Global Management Instrument

The Register, with its four elements, is more than a system of collecting data on arms transfers. Thirteen years after its launch with the passage

of UNGA Resolution 46/36L, there is enough empirical evidence available to take stock of the participation in and impact of the Register as a global policy instrument designed to manage the negative effects of the arms trade.[12]

## Submission of Data

*Exports and imports of arms.* The 2003 report of the UN Group of Governmental Experts indicates that the participation by states in submitting data on exports and imports of arms has been fairly successful. The group noted that, with the exception of calendar year 1998, in each year of operation of the Register, over 90 governments had submitted reports on international arms transfers. The highest participation level was achieved for the calendar year 2001, when 126 governments submitted reports. As of 31 July 2003, a total of 164 member states had participated in the Register at least once, either by reporting a transfer or submitting a "nil" return (see Figure 1).

Since transfers are supposed to be reported by both the exporters and the importers, transfers involving some of the states not participating in a given year are reported in returns submitted by others participating in

**Figure 1    Compliance to the UN Register of Conventional Arms (number of countries reporting by year)**
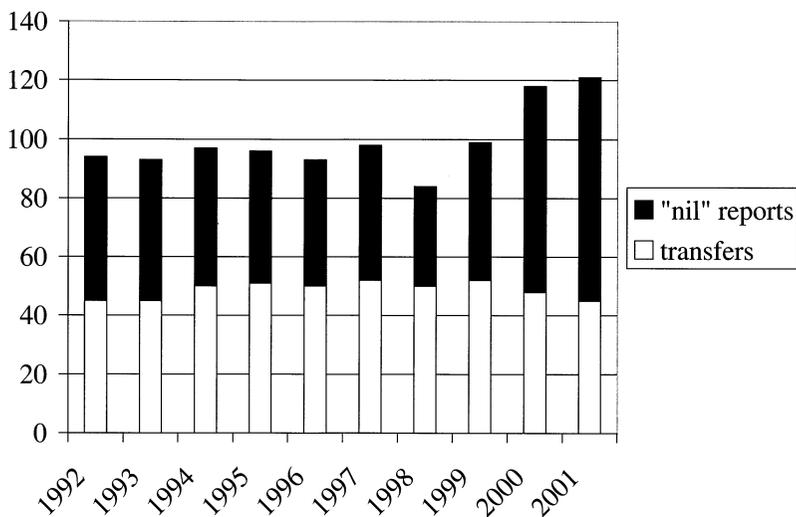


*Source:* www.disarmament.UN.org.2003.

that year. The group observed that the Register covers the bulk of the global arms trade in the seven categories of conventional arms, since almost all significant suppliers and recipients of these weapons submit reports regularly."[13] This level of voluntary participation has been much more successful than the only other transparency instrument—the reporting of military expenditures to the UN.[14]

*Regional variations in reporting.* Participation varies significantly by region. In the group of Western states, almost all governments have been reporting continuously during the whole period, as Table 1 shows. In Eastern Europe, the reporting record has improved considerably over the years. In Latin America and the Caribbean, reporting has also improved somewhat in recent years. About three-quarters of the thirty-three countries reported in 2001. The African countries have the weakest reporting record, with a maximum participation of seventeen of fifty-three countries in 2001. The figure for Asia fluctuates; of the fifty-four Asian states, between twenty and thirty-two states have been reporting. In the crucial area of the Middle East, only Israel, Jordan, and Lebanon have reported in recent years. Major weapons importers like Saudi Arabia, Iran, and some of the Gulf states have not reported. And Taiwan, a large Asian arms-importing state (not a UN member) has not reported. Egypt reported at the beginning of the Register process but has decided not to do so any longer. Similarly, China no longer reports, ostensibly because the U.S. government has reported exports of weapons to Taiwan.

*The qualitative level of reporting.* From the beginning it was clear that governments would participate at different levels of information and transparency. One group of states has participated regularly at a fairly

**Table 1    Regional Reporting Ratios (number of participating countries to total countries)**

| Region | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Africa | 13/ 51 | 13/52 | 10/53 | 9/53 | 8/53 | 10/53 | 3/53 | 7/53 | 11/53 | 17/53 | 15/53 |
| Asia | 23/47 | 24/47 | 26/48 | 27/48 | 22/48 | 26/48 | 21/48 | 22/48 | 32/48 | 31/54 | 28/54 |
| Eastern Europe | 15/19 | 14/20 | 16/21 | 17/21 | 18/21 | 17/21 | 16/21 | 18/21 | 20/21 | 22/22 | 22/22 |
| Latin America and Caribbean | 17/33 | 16/33 | 18/33 | 14/33 | 16/33 | 14/33 | 13/33 | 21/33 | 23/33 | 26/33 | 23/33 |
| Western Europe and others | 25/25 | 25/27 | 26/27 | 26/27 | 26/27 | 28/28 | 28/28 | 28/28 | 28/28 | 29/29 | 25/29 |

*Source:* UN 2003 Group Report, p. 44.

high level, using the export and import forms provided to indicate the number of weapons transferred, including the type of weapons (usually, however, without any information on the financing). Others either submitted the forms with no details or submitted "nil" reports. The 2003 group "was encouraged to note that the number of participating States using the 'Remarks' column in the reporting format to provide, inter alia, the model and type of equipment transferred, had increased over the ten years of reporting. Almost all of the forty-nine states reporting transfers used the 'Remarks' column to provide a description of types and models for calendar year 2001. Information on models and types added clarity and provided an important qualitative element to reporting."[15]

Wezeman's assessment is much more critical of the utility of the submitted data in calculating military balances. First, many states do not supply data on the type, model, and age of the weapons transferred, three very important characteristics. Reporting three ships or twenty-eight missiles and missile launchers is of no value in assessing the nature of arms buildups. Second, there are many types of weapons that can contribute to destabilizing buildups that are not included in the Register. These include small arms and light weapons, often the *only* type of weapon used in the majority of today's conflicts, and so-called force multiplier systems (for example, sophisticated radars) that often give a weapons system its offensive capability.[16] Another major inadequacy of the data is in the category of missiles and missile launchers. Many states that have exported or imported those systems do not distinguish between missiles and launchers. The reason given by states was their reluctance to reveal what states view as operational military information—that is, the actual number of missiles transferred.

In sum, voluntary submission of annual data on arms exports and imports has been extensive. A norm of transparency in this type of data has been created, as states increasingly see submission of such data as beneficial and of minimal risk to their national security. In some cases data have been supplied in enough detail to be used (potentially) to engage the concerned states regarding a potential outbreak of conflict. In many cases, the data are of much less utility for assessing arms buildups in the seven categories covered by the Register. However, the data are adequate to provide the basis for consultations and inquiries among states.

*Procurement through national production and military holdings.* Participation by states in submitting data on procurement through national production (PNP) and military holdings (MH) is decidedly not as good as for exports and imports. As can be seen in the UN resolution establishing the

Register, these types of data were treated differently from exports and imports. International arms transfers were referred to as data and PNP and MH as background information. PNP and MH data were to be developed by the 1992–1993 panel of governmental experts. At the first meeting of this panel, in January 1992, the governmental experts asked the chair (Hendrik Wagenmakers) to direct the consultants (Edward Laurance and Herbert Wulf) to develop a reporting system for all three types of data. A draft report was prepared for the panel at the second meeting, in July 1992, complete with reporting forms for all three types of data: transfers, PNP, and MH. The reaction was swift and negative. There was no agreement to treat all three types of data as equal—that is, there would be no reporting forms for PNP and MH.[17] Many governments wanted to exclude from the Register any reference at all to information on PNP and MH. The compromise found at the time, continuing to the present, was as stated in the original resolution—background information.[18] Table 2 illustrates that only a small group of governments, most prominently from within the Western group, has provided background information on PNP and MH.[19]

To summarize the first component of the Register, there has been very little useful data generated for PNP or MH. Even those states that are considered core participants are reluctant to report military holdings data that relate to weapons deemed critical to operational readiness (for example, missiles). The reports on the Register in 1992, 1994, 1997, 2000, and 2003 were consistent. There is no consensus to expand the Register to include PNP and MH data at the same level of reporting as transfers.

### Reporting on the Context of Data

An effective Register process must provide information that puts the three types of data in context. Wezeman's recent assessment of the Register

**Table 2    Background Information Submitted to the United Nations (number of governments per year)**

|  | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Military holdings | 23 | 25 | 25 | 27 | 31 | 33 | 28 | 28 | 33 | 30 | 25 |
| Procurement through national production | 15 | 18 | 20 | 19 | 25 | 26 | 23 | 22 | 28 | 28 | 23 |
| National policies | 32 | 19 | 14 | 14 | 15 | 12 | 11 | 14 | 16 | 9 | 9 |

*Source:* UN General Assembly, Report of the Secretary-General: United Nations Register of Conventional Arms, Doc. A/58/203, p. 53; and UN 2003 Group Report, p. 45.

characterizes these types of data as deployment, doctrine, and policy.[20] Very little of such information has been provided in either the arms exports and imports data or the background information. That leaves regional efforts as the one place where such arms data might be utilized in context. As noted above, regional participation in the global Register to date, as well as the creation of regional registers (for example, Latin America and the Organization for Security and Cooperation in Europe [OSCE]) tend to be located where arms buildups are least threatening to regional security. Whereas several regions and subregions are still actively pursuing a transparent register as an instrument to help prevent armed conflict, there is no evidence that such registers have been used as the framers of the UN Register envisioned. A recent flurry of regional workshops has not changed this situation.[21] The most recent group of governmental experts did respond to regional concerns, by lowering the threshold for large-caliber artillery systems from 100 to 75 mm, an adjustment that brings weapons such as 81–82 mm mortars into the Register reporting system. The Register categories are now incrementally more reflective of the armed conflicts it is designed to address.

## Methodologies and Modalities for Defining "Excessive and Destabilizing"

Given the preceding assessment, it is not surprising that little progress has been made in this third requirement of an effective Register. The Conference on Disarmament conducted two years of discussion on this topic. Many innovative approaches were tabled in 1992 and 1993 as to how states could use the Register data to detect and warn of threatening arms buildups. However, in the end there was no consensus, and the Transparency in Armaments agenda item eventually withered away.

## Utilizing the Data

Given the stated requirement for all three types of data, it is again not surprising that the data on arms exports and imports have not been utilized in any way to accomplish the primary goal of the Register: to prevent excessive and destabilizing arms buildups.

## The Register as a Tool to Manage the Negative Effects of the Arms Trade

Early in the article, reference was made to the key elements of a global management system or regime (see note 1). In almost every respect, the

Register has failed to generate even the beginnings of such a system. The global agenda on arms transfers is set not in the UN but, for example, in national capitals and in the Wassenaar Arrangement, to be discussed later. No truly global institutions have evolved around the Register. As for norms, they remain as they were in 1991: every state has a right to defend itself by manufacturing, exporting, and importing any weapon it deems fit in the name of national defense. It was expected that, with the development of a working definition of "excessive and destabilizing," a norm of restraint in arms exports and imports would emerge, especially involving transfers to "situations of tension or conflict." Such norms have emerged in a few regions (for example, the EU Code of Conduct) but not globally. It is true that as a result of the Register there is an emerging norm that states should voluntarily submit arms export and import data. But as seen above, this in no way is a norm that has developed to the point where we can talk in terms of compliance or noncompliance. This is due mainly to the fact that such data have not proven to be useful in detecting and addressing arms buildups. Had export and import data been used in this way, complying states would have had more incentive to pressure nonparticipants to submit data, which is one of the main features of a mature global management system.

## Explaining Failure: Implementation or Design?

### Successes

Publicly available information on transfers has improved over the years, thanks to the UN Register. Submitting data to the Register has now become relatively routine for core participants, including nearly all the main exporters of arms. It has established a de facto norm of transparency in conventional arms transfers, although it is still weak and contested. Even the small amount of background information on PNP and MH that is provided can be used as examples in promoting transparency at the regional and subregional level. The data that are generated from the Register each year have a value in and of themselves since they are official. The Register has produced data previously unknown in public sources and provides publicly available information that empowers legislatures, citizens, experts, and even some civilian branches of government to strengthen accountability of their military and political leaders. The annual reports to the UN have stimulated many governments to develop and improve their national systems for monitoring and controlling arms transfers.

## *Implementation Failures: Explaining the Lack of Success of the Register's Primary Objective*

Despite the success noted above, the evaluation of the Register shows that it has failed to make significant progress toward its goal of serving as a mechanism in which data would be generated and utilized by states to address excessive and destabilizing arms buildups—that is, provide a management tool to prevent them. The need for the international community to manage the negative effects of the arms trade remains. The key to the way forward rests with determining why the approach of the Register has failed to provide such management and control. Is it a question of implementation? Does the Register need more time to educate or provide states with the capacity to implement the four components of the Register? Or is the failure due to more engrained problems with the design of the Register itself—that is, the four components previously discussed?

As with any policy, evaluating outcomes is often preceded by a process evaluation. In the early days of the Register, it was common to focus on the process of the Register itself. States supporting the Register, particularly Europe and Japan, funded workshops in regions and subregions and bilaterally cajoled and pressured states to comply and submit data to the Register. These efforts seem to have played a major role in a steadily increasing level of participation in the Register. The UN Department for Disarmament Affairs (UNDDA), which is the administrator and manager of the Register for the UN, was referred to in the early days as a post office, since it played no role other than to receive replies from states and print them in an annual report. This is clearly not the case now, given that UNDDA manages a publicly accessible website, updates Register training and briefing materials, and administers workshops. States have come to trust their neutral and useful role in managing the Register, which has grown accordingly.

As for a state's capacity to participate in the Register, in the early days many states, especially those of the former Soviet Union, could legitimately claim that their national administrative systems were in such disarray that they did not have the capacity to report. With thirteen years of experience this is no longer the case.

How can the hesitation by most states to submit critical data on PNP or MH be explained? In the first few years, especially in the UN panels convened in 1992 and 1994, long discussions ensued as to the format of proposed forms for reporting these data. Governments debated whether such items as equipment in storage should be reported. But in the end, these technical discussions on fully implementing the Register so that it

could perform its envisioned role have run their course. It is clear that states know how to submit these data. They have simply chosen not to do so.

The UN groups of governmental experts who periodically review the Register continue to recommend incremental technical improvements to it. For example, the recommendation in their August 2003 report to change the definition of several categories of weapons gave more support to UNDDA and applauded the growth in participation. But when it came to addressing the major flaws of the Register—for example, the failure of most states to submit data on PNP and MH—their report states that these issues were discussed and no agreement could be reached. In sum, we must look elsewhere, to the design and logic of the Register process itself, to ascertain why the Register has failed in its primary mission.

### Sources of Design Failure

*Origins of the Register.* Often the explanation for policy implementation failure lies with the origin of the policy itself. In the case of the Register, there are several aspects of its origin and mandate that bear on the failure to develop an effective policy instrument. The Register was created at a unique moment in history, when the states that had supplied Iraq with its arsenal had to acknowledge that the aggression on Kuwait could not have occurred without that modern arsenal. This guilty conscience rationale was short-lived. It became clear once again that the sovereign right of states to acquire weapons, and the difficulty in firmly establishing a link between arms buildups per se and conflict, were themselves primary factors governing how states dealt with the arms trade.

The Register was also an idea promoted by the group of Western/Northern industrialized states. The resistance to multilateral mechanisms that would restrain arms transfers was more pronounced among the nonaligned states. The arm twisting by the Western states (Europe and Japan) that occurred at the creation of the Register meant that participation of the nonaligned states, especially those in conflict areas, would lag behind. That has proven to be the case.

*Failure to develop a globally useful definition of "excessive and destabilizing."* The enabling resolution assigned the difficult question of defining "excessive and destabilizing" to the CD. It failed to do so. But this does not mean that developing a model and analytical tools to

assess arms buildups is impossible. In December 1995, the Wassenaar Arrangement was established as a group of (now) thirty-three arms-exporting states with the mission of "promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilising accumulations."[22] Although its deliberations are conducted in secret and little is known publicly about cases where arms exports have been held back as a result of their deliberations, the group has developed "Elements for Objective Analysis and Advice Concerning Potentially Destabilising Accumulations of Conventional Weapons," with the following categories:[23]

1. Assessment of Motivation of the State Under Study
2. Regional Balance of Forces and General Situation in the Region
3. Political/Economic Standing/Status of State
4. Operational Capability (Equipment, Manpower)
5. Acquisition of Military Technology
6. Other Factors

What the Wassenaar Arrangement found so easy to do the Register found difficult. This points to three important factors in the Register's failure. First, the problem may be that such a process cannot work at the global level. The fact that a significant segment of the three-year reviews of the Register are taken up with regional concerns and recommendations suggests that states are now aware of this situation. Second, suppliers and recipients of arms transfers might have differing interests. The Wassenaar Arrangement is primarily a suppliers' club. Third, and perhaps most important, states can in fact analyze and detect arms buildups, but not in public. It may be that it is the transparency element of the Register process that has caused its failure.

*Transparency is a two-edged sword.* 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 great deal of time developing the concept and have made specific references to the Register. Proponents of cooperative security regimes viewed transparency as a positive force: "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."[24]

Ann Florini takes a different view of transparency, and her analysis may be helpful in explaining why the Register has not progressed beyond the reporting stage as an instrument for preventing conflict and restraining arms buildups.[25]

- "In the absence of universally shared, or at least mutually compatible norms, transparency will aggravate conflict."[26] Since there are no mutually shared norms in terms of what is an excessive and destabilizing buildup of arms, providing information in this environment may be self-defeating. In an interview with author Laurance in 1994, a diplomat from the Middle East whose country had not submitted background information on MH 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."
- "Some secrets are legitimately worth protecting." This is the case with the missile category of the Register. Even major supporters of the Register have not provided complete information in this category, especially regarding numbers.
- "Information can easily be misused or misinterpreted. Transparency reveals behavior, but not intent." This emphasizes the importance of information that puts the hard data in context, since intentions would naturally flow from such information. Little such information has been provided.
- "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 it did not make explicit any change in behavior that was expected. That was to be left to those states and institutions that would use the information.

To summarize the issue of transparency, it can be said that many states are reluctant to participate fully because they believe that transparency runs counter to the most effective means of defending their countries: 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. It appears that transparency is accepted only if security is guaranteed.

*Declining number of interstate wars using major conventional weapons.* The historical reality that allowed the creation of the Register also created a situation where the majority of armed conflicts since that time have been intrastate and have involved small arms and light weapons, which were often used by nonstate actors. Few interstate wars have occurred where weapons covered by the Register were used. The original priority of the international community to manage the negative effects of the arms trade has diminished, and with it the perceived need by states to participate in and further develop the Register.

*Lack of a human security factor.* If one examines the regimes that manage the proliferation of weapons, they all have in common a consensus that trade in these weapons, if unrestrained, will have unacceptable consequences for people, that is, human security. This is certainly true for weapons of mass destruction. But now it is also true for two other types of weapons—antipersonnel landmines and small arms and light weapons. Given the fact that states normally use such weapons for legitimate purposes, it is only because of a consensus that a misuse of such weapons causes unacceptable harm to humans, especially innocent civilian noncombatants, that movement toward a viable regime has been possible.

For major conventional weapons, no such rationale exists.[27] The one negative effect that states could agree on as the basis for an attempt at a Register was not related to human security—that is, excessive and destabilizing accumulations. This is the quintessential state security problem, devoid of any human security element (at least as perceived by states). It should not be surprising that when the threat of such arms buildups declined in importance in the 1990s, there was no fallback human security rationale on which to consider controls or restraint.

Evidence of the importance of this factor is the recent activity by states, in several multilateral forums, to control the manufacture and transfer of Man-Portable Air Defense System missiles (MANPADS). These forums include the G8 Economic Summit (June 2003), the Asia Pacific Economic Cooperation meeting (October 2003), and Wassenaar Arrangement meetings (2000 and 2003). MANPADS was recently made a separate category in the UN Register. Why? Because this highly sophisticated weapon designed for state security is the premier terrorist weapon; it can down a civilian airliner and instantly create 300 innocent

civilian deaths. All this activity on MANPADS has occurred because of a consensus that there was a human security threat.

## Conclusion

There has been no shortage of suggestions for improving the Register, with little effect on the operation of the Register as described in this article.[28] To expect a thorough reform of the Register that would ensure achieving all the goals the Register was originally intended to achieve is unrealistic. The general climate for effective arms control measures has deteriorated. Barriers to expanding the Register to a truly confidence-building instrument are numerous. Lack of political will by UN member states has blocked improvements. And it should also be remembered that the Register was created at a time when conventional arms buildups were center stage (Iraq). What then is the utility of the Register, and does it have a role in addressing the negative effects of the international arms trade?

### Continuing the Register

The Register should be kept open for the submission of data on transfers, PNP, and MH, which has a stand-alone value. It is an opportunity for states to signal their concern about the potential negative effects of the arms trade and their willingness to actively participate to prevent them. It is also a statement that a state can make its weapons known and still defend itself. Given the uncertainty of the future, especially should a rise in interstate conflict occur, it would be dysfunctional to abandon what has been accomplished.

### Globalizing the Wassenaar Approach

We began this article by stating that there were four approaches to controlling the negative effects of the arms trade: export controls by supplier states, disarmament, arms control, and transparency and confidence building. We have concluded that the transparency approach has serious limitations. And in a world that has been made increasingly dangerous as a result of the growth of terrorism, large-scale disarmament is not a realistic option. This is especially true given the growth of intrastate armed violence involving small arms and light weapons, the supply of which is significant and often beyond the control of states.

Traditional arms control agreements also seem unlikely to be developed in the current environment.[29]

What is left is the enhancement of arms export control mechanisms of states to take into account the potential for excessive and destabilizing transfers. This is well under way in regional and other forums, especially the Wassenaar Arrangement. This is an approach that has always accompanied nonproliferation efforts, even those with treaties and well-established norms. In the case of conventional arms transfers, global norms are underdeveloped (for example, excessive and destabilizing), but focusing on export control may be the way to develop such norms.

The problem with the Wassenaar Arrangement is that it is a supplier's club. The global arms trade has both a supply and a demand dynamic, which the Wassenaar Arrangement cannot deal with effectively, since most of the states demanding the weapons are not in the club. The need for a global approach to a global problem has not gone away. But there are several opportunities for the Wassenaar process, perhaps in conjunction with the Register, to become more global. One avenue is to build on the current global concern with MANPADS and induce Wassenaar members to share their experience with a global audience. Also, the Wassenaar members could share their experience in determining destabilizing arms buildups. UNDDA and key supporting states have conducted workshops on the Register, which to date have been concerned mainly with expanding participation in the Register as a political act in support of transparency and are restricted to the mechanics of participation. The nature of these workshops should change to enhance the knowledge of states regarding the role of arms buildups in the outbreak and exacerbation of armed conflict. The Wassenaar Arrangement has developed an analytical process designed to define and detect dangerous arms buildups. Those methodologies need to be spread to as many states as possible and focus on the regional and subregional levels. Simulations could demonstrate under what conditions arms buildups and secrecy lead, and do not lead, to the outbreak and exacerbation of armed conflict.

## The Shifting Nature of Armed Conflict

During the 1990s, the global concern for the negative effects of international arms trade declined as the volume of this trade declined. But the global arms trade has once again surfaced as a global concern. The December 2002 incident involving the (formally legal) shipment of Scud missiles from North Korea to Yemen is but one example that demonstrated to the world that potentially destabilizing transfers are

still occurring in an environment defined by minimal global governance or management. But more important, it is the rise of terrorism and intrastate conflict that has demonstrated the importance of dealing with the tools of violence. The need for global management of these tools of violence has never been more important. ⊕

## Notes

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1. This article uses the framework developed in a recent book by a team from the Carnegie Endowment for International Peace, *Managing Global Issues*, which assessed sixteen global issues in terms of which actors participated, how the policy agenda was set, how policies were negotiated, and how noncompliance with global norms was addressed. These management elements serve as a guide to evaluating the performance of the UN Register. P. J. Simmons and Chantal de Jonge, eds., *Managing Global Issues: Lessons Learned* (Washington, D.C.: Brookings Institution Press, 2001).

2. The authors are aware that since 2000 some of the WMD regimes are under attack by the United States and other states as being regimes that represent ineffective global governance. Their mention here is to provide a contrast to the comparatively limited global management of problems stemming from the conventional arms trade.

3. Although missiles can be used for the delivery of conventional weapons, the aim of the Hague Code of Conduct was directed at WMD delivery vehicles.

4. For a thorough treatment of this history, see Joanna Spear, "Warfare: Conventional Weapons," in Simmons and Jonge, *Managing Global Issues,* pp. 564–609. A special case is the mandatory arms embargo that falls in the category of export control, since it must be implemented at the national level.

5. Edward J. Laurance, Siemon T. Wezeman, and Herbert Wulf, *Arms Watch: SIPRI Report on the First Year of the UN Register of Conventional Arms,* SIPRI Research Report No. 6 (Oxford: Oxford University Press, 1993).

6. UN General Assembly, Res. 43/75I, *International Transfers* (November 1988), par. 5.

7. UN General Assembly, *Study on the Ways and Means of Promoting Transparency in International Transfers of Conventional Arms: Report of the Secretary-General*, UN Doc. A/46/301 (9 September 1991).

8. This characterization is that of Ambassador Hendrik Wagenmakers (coauthor), the diplomat responsible for the negotiations on behalf of the EC.

9. UN General Assembly, Res. 46/36L (9 December 1991), *Transparency in Armaments.*

10. Ibid., preambular par. 3.

11. Ibid,, preambular pars.

12. In addition to their extensive experience with the Register, the authors also use two recent evaluations of the Register after ten years: Siemon Wezeman, *The Future of the United Nations Register of Conventional Arms*, SIPRI Policy Paper No. 4 (Oxford: Oxford University Press, August 2003); and UN General Assembly, *Continuing Operation of the United Nations Register of Conventional Arms and Its Further Development,* UN Doc. A/58/274 (13 August 2003)—hereafter referred to as *UN 2003 Group Report.* The latter document is the report of the fifth group of governmental experts convened to establish and evaluate the Register (1992, 1994, 1997, 2000, and 2003).

13. *UN 2003 Group Report,* Sec. IIB "Extent of Participation."

14. The UN Standardized Instrument for Reporting Military Expenditures received information from fewer than thirty states during its first two decades of operation, beginning in 1980. In 2002, seventy-seven governments submitted a report, up from sixty-one in 2001, and thirty-five in 2000; available online at disarmament.un.org:8080/cab/milex.html.

15. *UN 2003 Group Report,* pars. 46–47.

16. Wezeman, *The Future of the United Nations Register of Conventional Arms,* pp. 7–10.

17. Attempts to institute such forms fell short in 1992, 1994, 1997, 2000, and 2003.

18. For a background on this discussion, see UN General Assembly, *Report on the Register of Conventional Arms: Report of the Secretary-General,* UN Doc. A/47/342 (14 August 1992); and Laurance, Wezeman, and Wulf, *Arms Watch.*

19. It should be noted that this background information is not accessible through the UN Register Internet database; access can be obtained only at the UN Department for Disarmament Affairs in New York.

20. Wezeman, *The Future of the United Nations Register of Conventional Arms,* p. 16.

21. See *UN 2003 Group Report,* Sec. III, "Regional Aspects."

22. Available online at www.wassenaar.org/welcomepage.html.

23. Available online at www.wassenaar.org/docs/criteria.html.

24. Antonia Handler Chayes and Abram Chayes, "Regime Architecture: Elements and Principles," in Janne Nolan, ed., *Global Engagement* (Washington, D.C.: Brookings Institution, 1995), pp. 66–67.

25. Ann Florini. "The End of Secrecy," *Foreign Policy* 111 (summer 1998), pp. 50–64.

26. The quotations leading off this and each of the following paragraphs come from Florini, ibid.

27. The economic cost of such weapons can have, of course, effects on the security and well-being of people.

28. The authors made extensive recommendations to the 2003 Group of Governmental Experts. While there is some evidence in their report that they

considered some of these suggestions, in essence the group made few changes to the status quo.

    29. One exception to this is the recent effort by civil society to promote a "framework" arms trade treaty, available online at www.controlarms.org. It is a follow-up to the Code of Conduct on Arms Transfers proposed by Nobel Peace Prize laureates in 1995. It has very little support among governments.