

---

# UNDERSTANDING THE UNITED NATIONS CONVENTIONAL ARMS REGISTER

— COLONEL TERENCE TAYLOR —

In its present form the United Nations Register of Conventional Arms is designed for U.N. member states to provide data on exports and imports of major conventional weapon systems as well as relevant background information. Many U.N. members see this as the first step in the development of a global cooperative security instrument. Others have misgivings.

The year 1994 will be critical for the U.N. Register of Conventional Arms. U.N. member states hold diverging views whether and how the Register should be developed further. The effectiveness of its operation and the possibility of its future development will be reviewed by a panel of governmental experts convened by the U.N. Secretary General. When the panel convenes, scheduled for February 1994, only the reports for the calendar year 1992 will have been submitted.<sup>1</sup> Participants in the deliberations of the panel will have limited experience of the operation of the Register on which to draw. Therefore, in developing their policy lines, they are likely to draw heavily on the positions adopted in the process leading to the implementation of the Register. Thus the intricate negotiating history of the establishment of the Register will exert a strong influence on the future process. To understand the likely developments in 1994, it will be essential to know how the Register came into being in its present form.

The aim of this brief analysis, therefore, is to give an insight into the negotiating history of the Register. What this review will make clear, among other things, is that the Register is not intended to be a control measure in itself, but a confidence-building measure aimed at transparency on the part of govern-

---

1. The Register came into effect on 1 January 1992. Reports are due on 30 April each year for data on the preceding calendar year. In accordance with U.N. General Assembly Resolution 46/36 L, the first reports were called for 30 April 1993 for calendar year 1992.

*Colonel Terence Taylor is a Research Fellow at the Center for International Security and Arms Control, Stanford University, California. He is also the United Kingdom's Commissioner on the U.N. Special Commission on Iraq. He participated in the negotiations on the U.N. Register of Conventional Arms, both as a member of the United Kingdom Delegation at the 1991 U.N. General Assembly, and as a member of the U.N. Secretary General's 1992 Panel of Experts on the Register.*

ments. In essence, by reporting to the Register, U.N. members will be making a commitment to a process which should help to encourage responsible behavior in relation to the trade in, and acquisition of, major conventional weapon systems.

### Early History

The idea of a global arms Register goes back more than 70 years to when the League of Nations attempted to set up such a system. For 14 years the Statistical Yearbook of the League of Nations was published containing data on the values of imports and exports of certain categories of weapons and equipment. By the time of the last issue of the yearbook in 1935, 60 countries and 64 colonies, protectorates, and mandated territories were providing statistical data.<sup>2</sup>

Parallel with this effort, the members of the League attempted to draft a convention on the arms trade to prevent illicit trade through an international system of export licensing and publication of statistics on arms transfers. The League considered draft conventions in 1925 and 1932, but neither was ever adopted. One of the main reasons for their failure was that the publication of data under the proposed conventions concerned only transfers and not the production of weapons. Arms importers, therefore, felt that the system was inequitable. This was a concern that resurfaced in the 1990s. In any event, these efforts fell victim to the political climate of the 1930s.

The main lessons drawn from the League's experience were: 1) caution should be exercised against establishing overly ambitious and idealistic goals; 2) a global reporting system, resulting in the publication of data on military capabilities, should operate on an equitable basis; and 3) arms are not the heart of the problem, they are the symptom of the failure to resolve political conflicts satisfactorily.

### The 1991 Proposal for a U.N. Register

It was not until well after the Second World War that the idea of creating an arms Register once more entered the arena of international security policy. Proposals for a Register have been made throughout the past three decades, but clearly the political climate was not yet favorable. In 1988 the U.N. General Assembly (U.N.G.A.) mandated a study on the question of arms transfers.<sup>3</sup> But it was not until the cathartic changes of 1989 that the Register became politically viable. Further, the necessity of the Register was not apparent until after the Gulf conflict in 1991. In its report to the U.N. Secretary General in September 1991,

---

2. Due to national differences in valuation of arms transfers, in trade classification systems, and in differing practices regarding disclosure of countries of origin and destination, the data in the yearbooks were incomplete and very difficult to compare.

3. See "The Study on Ways and Means of Promoting Transparency in International Transfers of Conventional Arms," established under Paragraph 5 of U.N.G.A. Resolution 43/75 I, 7 December 1988.

the U.N. Study Group recommended the establishment of a "Universal and Nondiscriminatory Arms Transfer Register."<sup>4</sup>

Drawing on the U.N. study and ideas put forward by a number of heads of government, the European Community and Japan put forward a draft resolution at the 46th U.N.G.A. (1991) for an arms Register. The original draft of this resolution proposed a Register only of transfers of conventional arms. It was based on the proposal put forward by British Prime Minister John Major to the European Council in April 1991. At that time, transfers appeared to be the focus of global concern, and the draft resolution was a natural sequel to the U.N. study, which was mandated only to examine international transfers of arms. The draft resolution proposed the import and export of seven categories of conventional arms to be covered by a U.N. Register:

- main battle tanks (over 16.5 tons and with a gun of at least 75mm caliber)
- large caliber artillery (over 100mm caliber, including multiple launch rocket systems)
- armored combat vehicles (which can carry a crew of at least four, or equipped with a 20mm cannon, or capable of launching an anti-tank missile)
- combat aircraft (armed aircraft only)
- attack helicopters
- warships (over 800 tons standard displacement)
- missiles and missile launchers (with a range of at least 25 kilometers)<sup>5</sup>

### The 1991 U.N. General Assembly Debate

After a draft resolution was presented to the U.N.G.A., a tortuous negotiation followed. This was expected given the commitment to the idea at such a high level in many governments and the new ground (at least in terms of post-World War II international security negotiations) that was being seriously explored. As a result, a number of ideas were added to that of a simple record of transfers. The rationale behind these additions was to take full account of the security concerns of both supplier and recipient countries — and for the latter category, particularly the concerns of countries without indigenous weapons production capability. Ambassador Ahmed Kamal of Pakistan accurately expressed the view of such countries in the U.N.G.A. debate when he described a Register focusing only on transfers as "partial" and stated that such measures which:

Are discriminatory in nature or unbalanced in the treatment of different elements cannot be implemented successfully. This is particularly true of measures which focus on transparency in international arms transfers while relegating to a different plane such equally important issues as the indigenous armaments production

---

4. U.N.G.A. document A/46/301, paragraph 161 (c), September 1991.

5. These weapons categories remained unchanged in the final version of the U.N.G.A. resolution. The full definitions appear in the Annex to Resolution 46/36 L, 9 December 1991.

capabilities of states, existing stockpiles of weapons or the transfer of technology.<sup>6</sup>

The outcome of the U.N.G.A. debate resulted in several major developments that sought to expand the purpose and scope of the Register. The main additions were:

- The invitation to states to provide additional background information on procurement from national production, military holdings, and relevant policies.
- The request that the Conference on Disarmament (C.D.) address the inter-related aspects of excessive and destabilizing arms accumulations, including military holdings and procurement through national production.
- The request that the C.D. also address the problems of elaborating practical measures to increase openness and transparency related to transfers of high technology with military applications and to weapons of mass destruction.
- The proposal that a new panel of experts be established in 1994 to report on the operation of the Register, and its further development and expansion (e.g. the addition of further categories), taking into account the work of the C.D.<sup>7</sup>

Thus, in order to take regional and other concerns into account, the original conception of the Register was expanded far beyond the agenda set by the original sponsors of the resolution.

The wide-ranging debate demonstrated that there are limits to what can be achieved by an arms Register. It cannot be a "stand alone" measure. It has to be viewed in relation to other confidence-building measures, such as the *U.N. Standardized Reporting System on Military Expenditures* and alongside other work which might result from the U.N. Disarmament Commission's work on "Objective Information on Military Matters." Reporting under the Register must also be seen in the light of information given as a result of regional measures. In Europe, states exchange extensive data on armed forces under the 1992 Vienna Document and under the Conventional Forces in Europe (C.F.E.) Treaty. Further exchanges also arise during the Vienna-based Forum for Security and Cooperation in Europe.

### The 1992 U.N. Panel of Experts

Under the terms of Resolution 46/36 L, the U.N.G.A. required the U.N. Secretary General to set up a Panel of Experts in 1992 to conduct two main tasks. First, the Panel was expected to elaborate on the technical procedures and to make adjustments to the definitions of the weapon categories and to the rules set out in the U.N.G.A. resolution, which are necessary for the effective opera-

---

6. Debate in the First Committee of the U.N.G.A., recorded in U.N. document A/C.1/46/PV.37.

7. The final text is in U.N.G.A. Resolution 46/36 L, 9 December 1991.

tion of the Register. Second, the group was to report on the modalities for the early expansion of the scope of the Register by adding new categories and including data on military holdings and procurement through national production. The Panel was composed of representatives of 17 countries chosen by the U.N. Secretary General to reflect the interests of suppliers and importers as well as the various regional security concerns.<sup>8</sup>

The most challenging element for the Panel in the first of these two tasks was the adjustments to the definitions. The original seven categories cover the most destabilizing weapon systems, due to their design for surprise attack and large-scale offensive action; they also are considered to be the easiest weapons to identify and trace. These were important considerations in this first step for a new confidence-building measure. In the negotiation of the original resolution, some sought to add additional categories such as small arms (e.g. rifles), as such weapons were seen as the major problem in many regions. However, the overwhelming majority concluded that the most pragmatic course was to keep to the seven categories originally proposed and to adjust some definitions where needed to address regional concerns. Five of the seven categories are similar (though not identical) to the C.F.E. treaty categories, but the remaining two, warships and missiles, are new. A brief summary of how the 1992 Panel dealt with the definitions demonstrates the way in which regional concerns were integrated into this part of the implementation process.<sup>9</sup>

The definitions of main battle tanks and large caliber artillery systems were universally accepted and unchanged from those in the 1991 resolution. However, the scope of the Armored Combat Vehicle definition was broadened in response to proposals from several Asian countries. The caliber of the armament was lowered from 20 to 12.5 millimeters, and the alternative criterion related to anti-tank missile launchers was expanded to encompass any type of missile launcher.

The scope of the combat aircraft definition was greatly debated as a number of countries, from all regions, wanted the definition of combat aircraft to include versions of these aircraft that perform specialized reconnaissance, electronic warfare, and suppression of air defence missions. Although this proposal was adopted, the suggestion to include unarmed aircraft that performed the same missions was rejected, as many states, notably the United Kingdom and the United States, wanted the Register to concentrate on combat rather than support aircraft. The same discussion arose over the attack helicopter category and a similar solution was reached by the inclusion of attack helicopters that also performed specialized reconnaissance and electronic warfare missions.

There were two significant changes to the definition of the warship category. First, the tonnage threshold, for reporting purposes, was lowered from the original proposal of 800 tons to 750, in order to ensure the inclusion of corvettes.

---

8. The countries represented were Argentina, Brazil, Canada, China, Czechoslovakia, Egypt, France, Ghana, India, Italy, Japan, Malaysia, Mexico, Netherlands (Chairman), Russia, the United Kingdom, and the United States.

9. The full report of the 1992 Panel is contained in U.N.G.A. document A/47/342, 14 August 1992.

Although some countries were prepared to accept a much lower threshold, several states proposed the elimination of the threshold altogether. Those who opposed this move preferred to keep the focus on the warships of "blue water" (ocean-going) navies, as opposed to "brown water" (coastal) naval forces, in view of the global nature of this confidence-building measure. The second significant change was to include vessels below the agreed threshold which were equipped for launching missiles or torpedoes to a range of at least 25 kilometers, which constituted an exception to the tonnage threshold.

The seventh category, missiles, was amended in a number of significant ways. Its scope first was expanded to cover unguided rockets, such as the ammunition for multiple launch rocket systems, which met the range criterion. Second, remotely piloted vehicles capable of carrying a weapon load to a range of 25 kilometers were included. The aim of this inclusion was to capture vehicles that are capable of being converted to cruise missiles. The final change was an exclusion of ground-to-air missiles from the aggregate number of missiles to be reported. The rationale was that systems designed specifically for defensive purposes should not be included in the Register. The exception to this exclusion is sea-launched surface-to-air missiles because of their potential for world-wide deployment with naval forces well beyond national territories.

Other changes to the detail of the reporting procedures were mostly technical and of little significance, although the "description" of a transfer deserves mention. The 1992 Panel deliberately used the term "description" (rather than "definition") in its report. Although this matter occupied the 1992 Panel for many hours, an agreement on a universal definition of an international transfer eluded it. The many different legal, contractual, and regulatory practices that currently exist impeded agreement. The best that could be achieved was an agreed description of the main characteristics of an international transfer. The objective was to be as inclusive as possible while ensuring the exclusion of weapons deployed with armed forces as part of their normal scale of equipment on missions outside their home territories.

The purpose of the Register as a confidence-building measure is to cover situations where national control over the weapons ceases and the weapons change hands outside the operational deployment of field formations of armed forces. Different kinds of measures are needed to deal with these situations, such as the notification of large-scale military activities under the 1992 Vienna Document. The main focus of transfers within the Register is arms sales, although gifts, long-term loans, or leases are also intended to be covered. For practical and operational reasons, the Panel agreed that the focus of the Register should be on complete items. Many Panel members considered that the inclusion of a reporting requirement for component sales and transfers was unnecessary and would merely compound the difficulty in implementing the Register.

The Panel also addressed the amount of detail that should be included in the reports on transfers. The objective of all participants was to arrive at a solution that would allow the widest possible participation on an equitable basis. Some of those involved in the negotiation were prepared to give more detailed information than others. In the end, all agreed, though some with reluctance,

that the basic requirement should be to report aggregate numbers only. There is a provision on the reporting form to give additional information on the detailed designation of individual weapon types should participants wish to do so.

Those who did not want to give this additional data sought to protect information on sustainability of their forces on military operations, since this was considered particularly sensitive. This applied particularly to the missile category, which concerns a singularly consumable item; the missile is in effect a type of ammunition. No military force will declare, for example, the number of air-to-air missiles it possesses because it could reveal how many air defense missions could be flown in defense of its territory. The current provisions of the Register clearly disadvantage some states. Many countries rely entirely on imports for such equipment, and if specific types of missiles had to be shown in reports to the Register, their entire holdings would be revealed. Yet, those countries with an indigenous production capability would not be required to reveal such information. Therein lies a major inequity.

In addition to reporting transfers, participating states were also invited to report on military holdings, procurement from national production, and relevant policies. The word "invited" is important as, in U.N.G.A. Resolution 46/36 L, there was (deliberately) a lesser commitment to report this information. Partly because of the diluted obligation, there was less controversy in the 1992 Panel over how this element of the Register, known as "Available Background Information," should be included. It was quickly agreed that, at this stage in the development of the Register, U.N. members should report this information in any format they might see fit, not only to reduce the work load for those who have to prepare the reports, but also to acknowledge this as a forward-looking part of the Register. In particular, states participating in the Register needed to gain experience in operating the Register. Evidence from reports to date show that only a minority of countries reported "Additional Background Information." The Conference on Disarmament has been specifically requested to address this element of the Register.<sup>10</sup>

The second part of the report of the 1992 Panel of Experts looked to the future. The U.N.G.A. required the Panel to report on the modalities for the possible expansion of the Register. The Panel made recommendations to guide the work of its successors, due to be convened in 1994. The Panel offered for consideration the expansion of existing categories (for example, the inclusion of ground-to-air missiles) as well as suggestions for the possible inclusion of new categories (for example, aerial refuelling aircraft).<sup>11</sup> It also set out a number of questions for the 1994 Panel to resolve with regard to military holdings and on procurement from national production. These questions concerned issues that were unresolved in the course of the negotiations in 1991 and 1992. There was a great deal of pressure to get the Register operational, and time did not permit all concerns to

---

10. By operative paragraph 12 of U.N.G.A. Resolution 46/36 L., The Conference on Disarmament subsequently set up an Ad Hoc Committee on Transparency in Armaments to respond to the requests made by this Resolution.

11. See footnote 10, Paragraphs 37 to 39 for the full list.

be fully satisfied. Among the questions raised by the 1992 Panel was that of how to define a military holding. Should the definition include only operational equipment in the hands of armed forces? What is the definition of "armed forces"? Are paramilitary forces to be included? The procurement of weapons from national production was another question raised by the Panel. How should international collaborative projects be dealt with? Should equipment purchased abroad in kit form and assembled domestically be considered as being procured from national production? These complex issues will keep the 1994 body busy.<sup>12</sup>

### The Future

In considering the future development of this instrument, one must first recall what the Register is not. The Register is neither a control measure (although it encourages responsible behavior) nor is it an intelligence-gathering device. Rather, it is a commitment by governments to a process of openness and transparency by providing official information to an international organization on transfers of major conventional weapon systems. This step requires many countries to introduce legislation to compel private companies involved in international arms trading to report transfers. Such a requirement complements the national import and export licensing system. Some believe that the step now taken is a modest confidence-building measure. However, that view underestimates the significance of a global measure which breaks new ground.

In the future development of this measure, it will be vital to maintain the widest possible geographical participation in the Register. Overambition, however, could lead to limited or fractionalized participation. The Register should be seen as one measure, among others, aimed at enhancing security through confidence building. In charting the course of future developments, a broad outlook is needed. Care must be taken not to build too much into any single measure. The Register's success also depends on how diligently governments report to the Register. At the time of writing, 80 countries had reported, including countries from regions such as Asia and the Middle East.<sup>13</sup> The Register is not a snapshot measure like the notification of a large-scale military maneuver under the Vienna Document. It is a long-term measure that has its main value in revealing a pattern of activity over a number of years.

The history of the negotiation has important lessons for the future development of this measure. Taking account of the lessons should not necessarily constrain new and imaginative approaches, but should inform such approaches to ensure that they are soundly based and offer a real prospect of implementation.

To promote understanding and implementation of the Register, the U.N. Office of Disarmament Affairs ran four regional seminars in 1993: one in Tokyo for the Asia Pacific region, another in Buenos Aires for Latin America, a third in Warsaw for Eastern Europe, and the fourth in Italy for the Mediterranean region

---

12. See Paragraph 41 for the complete list of questions.

13. For example both Egypt and Israel have reported, as have India and Pakistan.



(Mahgreb and Middle East). The seminars were intended as practical exercises in understanding and reporting to the Register. For the most part, the officials present (military and civilian) were those responsible for making the necessary reports. These seminars revealed the genuine difficulties some countries face in complying with measures such as the U.N. Register where there are armed conflicts in progress or where major political changes have taken place. A great deal of consultation must occur between exporting and importing countries to ensure the accuracy of the data being reported, and to overcome problems such as confidentiality clauses in contracts. There have been a number of corrections to the initial reports, which indicate that overcomplication could undermine the Register and consign it to the fate of its League of Nations predecessor.

If the Register is to serve a useful role in the effort to encourage responsibility and appropriate restraint in the transfer and acquisition of major conventional weapon systems, regional and global security concerns have to be fully considered. In particular, the concerns of those countries which do not have a significant indigenous production capability must be addressed. As can be seen from the negotiating history of the Register, an attempt already has been made to balance the interests of importers and exporters. The interaction of these competing interests will no doubt be dominant in the 1994 negotiations. This dichotomy of interests may be best handled not only by avoiding building too much into the Register, but also by developing new complementary measures, or improving existing ones.

The chairman of the 1992 U.N. Panel of Experts, Ambassador Hendrik Wagenmakers of the Netherlands, has described the Register as "a first step toward a more comprehensive system of cooperative security that works in concert with many other efforts, incorporating formal and informal arrangements among states in a mutually reinforcing way."<sup>14</sup> Work on the Register must be put into the context of efforts in other fora, such as the Conference on Disarmament in Geneva, and supplier regimes such as the Missile Technology Control Regime. It is also possible that the stalled talks among the five permanent members of the U.N. Security Council on arms transfers to the Middle East may be revived. The U.N. Secretary General's 1994 Panel of Experts must continue to develop a global cooperative measure to counter the unjustified accumulation of major conventional weapon systems around the world.

---

14. Ambassador Hendrik Wagenmakers, cited in "The U.N. Register of Conventional Arms: A New Co-operative Security Instrument," *Arms Control Today* 23 (April 1993): 16-17.



