

**COMPREHENSIVE ARMS REGULATIONS WITHIN THE CONTEXT
OF DISARMAMENT AND CONFLICT RESOLUTION**

Statement 

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Mr. President,
Ladies and Gentlemen,

1. I am deeply grateful for giving me the opportunity to address this distinguished gathering. The initiative of the legal community to discuss the arms trade, collective security and international law is of particular significance. The creation of conditions for non-violent, evolutionary and democratic changes in the world cannot be achieved only through political and diplomatic means. These means are effective only when they are based on a legal foundation. However, law is not just an adjunct to the political will. It plays an active role in politics through the creation of norms of behavior. It also serves as the common "language" of communication between different actors of the international scene. Law is no less important in the field of disarmament than in other fields of multilateral diplomacy, in particular now, when the Conference on Disarmament - the sole negotiations mechanism of the international community - is actively engaged in the process of "treaty making".

2. This meeting close on the heels of the Review and Extension Conference of the State Parties to the Treaty on the Non-Proliferation of Nuclear Weapons is very timely. The Conference has confirmed the status of this treaty as a "number one" among the instruments for creation of cooperative security arrangement, globally and locally and, ultimately, of disarmament in all its

aspects. After the NPT Conference, which has shown the concern of the international community at the nuclear threat, the question arises as to whether this is sufficient. Of course, in addition to the extension of the NPT, one can also mention many other nuclear accomplishments of recent years, i.e.: the signing of the START I treaty by Ukraine, Belarus, and Kazakhstan; a planned 70 per cent reduction in strategic nuclear forces; the virtual elimination of non-strategic forces; or the two-year-old moratorium on nuclear testing. It is hoped that soon there will be the ratification of START II by the US Senate and the Russian State Duma, following agreement between Presidents Clinton and Yeltsin, so that the treaty can enter into force at their next summit. Nevertheless, I believe that despite considerable achievements in the nuclear field, many new challenges still lay ahead in this and other spheres of disarmament.

3. Constructive parallelism is needed in all directions based on the integrated strategy in arms regulation and the elimination of armament. While commemorating the 50th anniversary of the United Nations the UN Secretary-General has called 1995 the Year of Disarmament. This is quite logical. Practical deeds are essential especially in multilateral disarmament, in chemical weapons, in the negotiation of a verification regime in the BWC, in the implementation of the Open Skies Treaty, the CFE Treaty, and the CFE-1A

Agreement, and of course, in bilateral Russian-American negotiations, including START I, II, and in the future START III. In dealing with the multitude of problems, priorities should be clearly defined.

4. The saying that the chain is as strong as its weakest link is quite applicable to disarmament. In this field the weakest link today is conventional weapons. In the current international situation the mountains of conventional weapons is becoming increasingly difficult to control. Their spreading all over the globe, including acquired by States as well as sub-State groups, is a cause for grave concern. One can discern a number of important trends in this field which cannot be ignored.

5. In the 1950s and early 1960s, conventional arms trade was limited to the provision by the West and the USSR of outmoded equipment to their allies. In the late 1960s and early 1970s there was a gradual shift towards transfer of sophisticated equipment. Cooperative production ventures were initiated. Ten years later arms producers were increasingly called upon to provide the state-of-the-art equipment to their customers throughout the world, and a share of production became an essential part of any transaction. Today, this trend is developing in the direction of further diffusion of production processes and components. In the near future it is quite probable that there will be increased

emphasis on the transfer of specific technologies which will augment the effectiveness of existing weapons. Some States have realized that to have more tanks, ships, etc. is not the only solution. What they need are devices that would enable their weapons to achieve greater accuracy, mobility, and effectiveness.

6. Many experts believe that information processing and systems integration is the key factor in the military technology of the immediate future. Moreover, in many cases the technology as such is not of significant value and is readily available in the market. For instance, an advanced medium-range air-to-air missile uses a 386 microprocessor - similar to a good regular personal computer. What is important is the ability to put the system together and finetune it to the maximum performance. Some experts can already visualize the future computer wars of the twenty first century.

7. Another major trend is the change in the hierarchy of arms exporters. After the disintegration of the Soviet Union, the US and German have major shares of the market while most other exporters have seen their shares drop. While most of the countries in the world are cutting their defence budgets, the industry itself has reacted with a wave of consolidations and mergers. The composition of the major recipients of arms transfers has also undergone a major change. After a sudden spurt purchases in the wake of the Gulf War, the Middle Eastern

markets are showing a downward trend, while East Asia appears to become the world's growing arms market. These are some of the important trends which should be carefully analyzed.

8. The inter-governmental trade in major weapons in recent years though much less in comparison to the 1980s, is estimated to be worth about \$ 18 billion. Some observers believe that black market sales of small arms and technology are in the range of \$ 5 to \$ 10 billion. According to some analysts due to the ongoing ethnic strife in recent years, the total value of military hardware acquired annually by sub-State armed forces is in the range of \$ 2.5 to \$ 3.5 billion. This includes small but often critical acquisitions of major weaponry - mostly artillery and armored vehicles. It should be noted that, while the published figures for total arms exports have declined sharply - by about two-thirds between 1984 and 1991 - the figures are misleading. These figures usually include fully assembled weapons, but not exports of components or manufacturing facilities.

9. Some researchers suggested that the major mechanism of transfer of military technology is also undergoing changing. In the future it will be from one company to another, or from one element of a multinational firm to another in a different country, rather than through government-to-government transactions.

Whether this process goes this far or not, these factors tend to diminish government's leverage in shaping arms flows, both globally and regionally.

10. While there have been more opportunities for arms regulation and disarmament with respect to nuclear and chemical weapons, the same cannot be true of trade in major conventional weapons. In his report "New Dimensions of Arms Regulation and Disarmament" the UN Secretary-General has specifically recommended to Member States to "take a closer look at international private arms dealers". The fact is that there are now practically no international legal norms governing this business, and experts have only a vague idea of the volume of international arms trade conducted through private channels. Thus, the international community is confronted with a major challenge in managing and controlling global technology diffusion.

11. One cannot, however, say that the international community has ignored the issue of conventional weapons. In recent years the problem of arms and technology transfers has attracted the growing attention of the international bodies. Now almost every intergovernmental organization has arms transfer control on its agenda. Multilateral discussions of arms export regulation have taken place at the United Nations, in the European Community, NATO, the G-7 Group, as well as within the membership of the Missile Technology Control

Regime. The OSCE, through its Forum for Security Cooperation, tries to address the issues of non-proliferation and arms transfers. In 1993 the five permanent members of the Security Council met in Washington to discuss arms transfer and the proliferation of weapons of mass destruction, in particular, the situation in the Middle East. The Conference on Disarmament, through its Committee on Transparency in Armaments, has also participated in this work. Recently a Conference was requested by the General Assembly to consider the formulation of principles that can serve as a framework for regional agreements on conventional arms control.

12. From the point of view of the executive branch of the UN one of the priority issues with regard to conventional weapons is micro-disarmament. This term was first used by the Secretary-General in the recently issued supplement to his report "An Agenda for Peace". By this term he meant the practical disarmament in the context of the conflicts the UN is dealing with, particularly in respect of light weapons and land-mines which are actually killing people. In latter field there have recently been certain positive developments.

13. On 15 December last year, the UN General Assembly adopted a resolution urging a worldwide moratorium on the export of the anti-personnel land-mines. A Voluntary Trust Fund for Assistance in Mine Clearance which was

established by Secretary-General Boutros Boutros-Ghali on 30 November 1994, has called on Member States to actively support the mine clearance programme of the UN and to generously contribute to the Fund. Funds received will support United Nations activities and operations relating to land-mines, including clearance, surveys, training and mine-awareness education. In July the Secretary-General will convene in Geneva an International Meeting on Mine Clearance. This meeting will provide a forum for the experts to discuss various aspects of the problem of mine-clearing and afford an opportunity for donors to announce their contributions to the fund.

14. In a report to the forty-ninth session of the General Assembly, the Secretary-General noted that the trust fund would greatly enhance the effectiveness and timeliness of the international community's response to problems relating to mine and assistance in mine clearance. He pointed out that there are more than 110 million uncleared land-mines scattered over 64 countries. New land-mines are being laid at the rate of between 2 million and 5 million each year. The report also noted that, according to the International Committee of the Red Cross, more than 800 deaths or injuries will result from them worldwide each month. "Land-mines may be one of the most widespread, lethal and long-lasting forms of pollution we have yet encountered, and we are currently losing the battle to protect innocent civilians from their effects", the

report said.

15. United Nations involvement in mine-clearance assistance has grown from just an operation in one country in 1988 to 12 such operations in the last quarter of 1994. The estimated cost of clearing land-mines already in place is at least \$ 33 billion. In autumn this year, Vienna will host the Review Conference of the States Parties to the Convention on the Prohibitions or Restrictions on the Use of Certain Conventional Weapons to review the Convention and to strengthen its land-mines protocol. The Preparatory Group of Governmental Experts which has formulated a draft for the newly revised land-mine protocol, made proposals which, if adopted by the Review Conference, would significantly improve the protection of civilians from the indiscriminate use of land-mines.

16. With respect to trade in light arms, the situation is more complicated. The structure of trade in these arms has undergone significant changes in recent years. Although the trade in major weapon systems has not changed much , it has lost most of its military and strategic importance. Instead it is the trade in small and light weapons that poses the most immediate threat to the well-being of humanity and international stability. The control of trade in major weapons between governments is no longer the greatest of challenges of arms trade

policy, but rather it is the problem of addressing the flow of small and light arms to sub-State groups. In view of the magnitude of this problem the UN General Assembly at its current session adopted a number of resolutions on conventional arms control and another resolution on the curbing of illicit traffic in small arms.

17. In Bosnia and Somalia, Nagorno-Karabakh and Rwanda these weapons are instrumental in fuelling rivalries and adding daily to the estimated 40 million lives already claimed by conventional arms worldwide since World War II. According to the United Nations Institute for Disarmament Research, as of 1994, almost 300 companies in more than 50 countries worldwide were making small arms and related equipment. That represents a 25 per cent increase in the known producers since 1984. They account for 10 to 15 per cent of all inter-governmental arms transfers, or as much as \$ 2.5 billion annually. Paramilitary groups are estimated to spend another \$ 2.5 billion to \$ 3 billion a year on small arms. Some experts estimate the total annual trade is as much as \$ 10 billion. The problem of proliferation of these weapons has become acute partly because countries in the former Warsaw Treaty Organization and the NATO have begun unloading their arsenals on the free market. Reportedly, replicas of the famed Russian-designed AK-47 Kalashnikov machine gun are sold in parts of Africa for as little as \$ 6 a piece.

18. We need to take a comprehensive approach to deal with the question of conventional weapons. There is already a firm foundation for such an approach as the UN Arms Register of Conventional Arms which was established in 1991. In 1993, 83 countries sent their replies for the first reporting year of the Register, including almost all the major arms exporting and importing countries. Later, five more countries submitted their reports to the Register. The Register can effectively help to reduce the occurrence of dangerous misperceptions as well as promote trust and partnership between nations. The analysis of information submitted for the register could eventually become a useful tool for early warning and detection of potential crisis situations. It can also be used as a preliminary basis for consultations and negotiations. The goal of the UN resolution in creating the register was to focus attention on the problem of destabilizing weapons build-up. Furthermore, over a period of time the availability information on the nature of a State's military capabilities is intended to build confidence, over time, in order that the acquisition of new capabilities does not upset regional military balances.

19. However, the Register has some significant shortcomings. It is worth mentioning, for example, that some large transfers of weapons, which were widely discussed in the mass media, were not reported to the Register. According to SIPRI analysis, only 51 of the 192 entries submitted by suppliers

and recipients of arms applying to the same transfer matched. One hundred and twenty six entries were reported only by one party and 17 entries gave conflicting information on the number of items reported. I would like to remind you that in the 1920s, the League of Nations also tried without much success to slow down the arms race by collecting information about the national armed forces. From this point of view the mechanism of the Register can and should be further fine-tuned and refined.

20. It is obvious that all the member States of the United Nations should submit relevant data to the Register. There is a need to overcome some of its existing limitations. The Register currently records the import and export of only seven categories of arms: battle tanks, armoured combat vehicles, large calibre artillery systems, fighter aircraft, attack helicopters, warships, missiles, and missile launchers. As you are aware it does not cover, for example, surface-to-air missiles, all missiles under a range of 25 km, ships under 750 tonnes, all unarmed helicopters, and transport aircraft. It does not include information on military holdings and stockpiles, and procurement through national production, and it does not cover dual-purpose technology as well as weapons of mass destruction. It is necessary to further develop the Register. Last January the Secretary-General proposed that the Register be expanded to include imports and exports of such small arms as handguns, rifles, machine guns, mortars,

rocket launchers, and anti-personnel land-mines.

21. The Arms Register is only a measure to provide transparency. The emphasis on transparency is based on the assumption that the more a State knows about the armed forces and military acquisitions of potential adversaries, the less likely it is to misperceive the actions of its rivals, thus becoming susceptible to making miscalculations which, in turn, can escalate tensions and eventually erupt into conflict. In short, predictability breeds stability. To stop the dangerous spread of conventional weapons, transparency alone is not enough. The effective restraint of arms transfer should be accompanied by prohibition of certain types of weapons and gradual reduction of conventional armaments.

22. Comprehensive arms restraint is not a new idea. Rather it is the revival of the concept of the UN Charter or "arms regulations". The reliable system of arms control and disarmament which is the cornerstone of a formidable system of security on global and regional levels can only be based on arms regulation. Unfortunately during the cold war the international community underestimated the arms regulations. Now all the preconditions exist for the creation of a robust system. The arms regulations regime can help the international community to both solve the problem of quantity of weapons are needed, and to start

eliminating the excessive stockpiles of these weapons. I am glad that your draft of the Convention on the Monitoring and Reduction of Arms Transfers Stockpiling and Production: Regime for Comprehensive Arms Restraint is Based on a similar approach.

23. Basically, the problem confronting the international community with regard to arms regulation in late 1990s is not only about weapon systems as such, but also about the diffusion of a wide-range of technologies - both simple and advanced. Dealing effectively with technology diffusion issues will be a critical test in determining whether the international community can promote regional and global security without disrupting the world trading system. This is a multifaceted problem which has political and military, as well as social and economic aspects. Thus, it appears worth considering a comprehensive approach to arms regulation in general and, in particular, combining the six existing regimes of non-proliferation.

24. As you are aware, there exists a number of principal international regimes seeking to limit the expansion of various military capabilities - nuclear, biological, and chemical weapons non-proliferation regimes, together with the Missile Technology Control Regime and the emerging conventional armament transfers regime. Hopefully, in the future they could be supplemented by one

more regime - the non-proliferation of new types of weapons. There are quite a few of them, for example the micro-wave weapons or the barbaric blinding laser weapons, which can soon be employed in the battlefields and consequently, in the hands of terrorists and criminals.

25. Some of these regimes do indeed work. The UN actions in the aftermath of the Persian Gulf War to expose and dismantle all of Iraq's weapons of mass destruction and related-production capabilities are the most prominent example of their efficacy. There are many reasons why the consolidation of these regimes could be beneficial. I would like to mention just a few. The different regimes pose similar problems with respect to information gathering, legislation, verification and administration. Often the same companies are involved in the violation of some of these regimes. Thus, organizational consolidation can enhance accuracy in information collection and analysis, eliminate certain discrepancies between the regimes, and provide for more consistence and flexibility in their implementation.

26. Comprehensive approach to arms regulation also requires the implementation of the idea of the Secretary-General on the globalization of disarmament efforts. Globalization means that measures aimed at regulation and reduction of arms transfers could be implemented simultaneously on global, as

well as, regional, and subregional levels. On the global level we already have a working mechanism to address this problem which includes the Conference on Disarmament - the only multilateral negotiating body of the international community in this field - and a number of other organs. On the regional level the end of the cold war has created some opportunities that are, at least to a certain extent, being explored. Examples include: the Arms Control and Regional Security (ACRS) Working Group created as part of the Middle East peace process; the agreement on confidence-building measures between India and Pakistan; the decision of the Association of South East Asian nations to create the ASEAN Regional Forum (ARF) to address the security dimension of their dialogue; the agreement to create an African Nuclear Weapon Free Zone; and a number of developments in Latin America, including an unprecedented resolution adopted by the Organization of American States calling on its members to pursue arms control and disarmament more aggressively.

27. At the regional level, the arms regulation efforts need to be further encouraged since these are precisely the regional arrangements which allow for a wide variety of means for the limitation of arms transfers. For example, regional register could be useful supplement to the UN Register and could facilitate disarmament and confidence-building at the regional level. There have the advantage of allowing certain categories of weapons to be registered, and

reflect the security concerns felt in the region. In future the Conference on Disarmament could be involved in working out the modalities for conventional weapons regulation, such as, for example, the model agreements. By doing so it could considerably facilitate regional security.

28. Another reason why regional efforts today are of particular importance is that there is obviously a connection between disarmament and conflict resolution. This is in fact a constructive way to create a secure, non-violent framework for change. The integration of the weapons-control features into United Nations-brokered settlements can contribute enormously to peace-building activities in countries long plagued by civil strife. There is a direct correlation between the availability of weapons, and the duration and scale of armed conflicts. The experience of many countries shows that excessive acquisition of armaments inevitably triggers a chain reaction for negative social, political, and economic consequences such as the expansion of the armed forces, and their disproportionately large role in political life of the country. The more a country is armed, the greater is the temptation for it to settle problems with neighbours by the use of force.

29. Comprehensive multilateral approach to arms regulation is more than arms control. It needs a detailed international code of conduct in the field of arms transfer in order to avert irresponsible exports. This code should bind politically

if not legally all supplier and recipient States. There has to be a certain reciprocity in rights and obligations of both suppliers and recipients. The Recipients can do more to make their activities transparent, and offer better possibilities for checking compliance with end-use statements. Cooperation between recipients and suppliers in restricting illicit trade through non-transparent channels should also be encouraged. In supplier-recipient relations, incentives and disincentives should increasingly be shaped in a consensus spirit and in a negotiating mode.

30. Multilateral approach cannot be successful unless it is reinforced by consistent unilateral policy of the suppliers. Some supplier countries, concerned about the proliferation of conventional weapons, have conditioned development assistance programmes to arms expenditure by recipient states. They are restricting overseas aid when arms expenditure in the developing country rises above a certain percentage of GNP. But some of the very same suppliers are now exporting arms which have become surplus to their military requirements or to their industrial capacity. In other words, while one hand is offering incentives to restrict arms expenditure, the other is encouraging arms purchases. In the arms transfer as in any other disarmament field, there is no place for double standards.

31. Finally, I would like to stress that a comprehensive approach to arms regulations and disarmament also requires institutionalization which is to a certain extent the task for law experts. I would say that we now urgently need to rationalize the existing disarmament organizations and forums dealing with disarmament issues. There is no central mechanism to co-ordinate the various activities. In Geneva we have the Conference on Disarmament, UNIDIR and the Disarmament Fellowship, Training and Advisory Services Programme. In New York there are the First Committee of the General Assembly, the Disarmament Commission, the Centre for Disarmament Affairs and the Conventional Arms Register; in the Hague - the Organization on Prohibition of the Chemical Weapons; and in Vienna - the IAEA. To facilitate a comprehensive arms regulation and constraints regime, appropriate consolidated institutional structures would be needed.

32. In conclusion, I would like to express the hope that this discussion will be the first "brainstorming" exercise in view of the forthcoming SSOD-4, which should determine the essence and structure of multilateral disarmament stretching into the next century. However, we are already on the right track. I sincerely believe that return to multilateralism in a more significant fashion, in the field of disarmament, will enhance minimum world order and reasonable governance.

Thank you for your attention.