

**CONVENTIONAL ARMS CONTROL:
URGENT NEED, LIMITED OPPORTUNITIES**

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Foreword

On 29 May 1997, the Minister for Foreign Affairs, the Minister of Defence and the Minister for Development Cooperation requested the Advisory Council on International Affairs (AIV) for advice on the future of conventional arms control. The report was prepared by the Committee on Peace and Security (CVV), which consists of the following persons:

A.L. ter Beek* (chair), Professor G. van Benthem van den Bergh* (deputy chair), Dr A. Bloed, Dr P.P. Everts*, Professor F.J.M. Feldbrugge, Lieutenant-General G.J. Folmer, J.G.N. de Hoop Scheffer*, Dr K. Koch*, Dr M. van Leeuwen*, D.A. Leurdijk*, Rear Admiral R.M. Lutje Schipholt (ret.), L. Sprangers, Professor B.A.G.M. Tromp, General A.K. van der Vlis* (ret.), E.P. Wellenstein and Professor F. Wielinga. Those members whose names are marked with an asterisk (*) were members of the working party which was responsible for drafting the report. G. Ringnalda of the AIV's Committee on Human Rights also contributed to the preparatory work on the report. Assistance was provided by the official advisors of the CVV, Brigadier General L. Boonstra, E. Kwast (Ministry of Defence), Ms S.T. Blankhart, and M.R. Jochems (Ministry of Foreign Affairs), and also by F. van Beuningen (the secretary of the CVV) and two student-trainees, M. Versteden and Ms I. Elgershuizen.

In preparing the report, members of the working party referred to above asked policy-makers and experts for their views on conventional arms control and conventional arms exports. To this end, a fact-finding mission to Washington and New York was undertaken in the period from 27 September to 2 October 1997. (A list of the people and organisations consulted is included as an annexe to this report.) The AIV would like to thank the people and organisations concerned for their assistance, and also wishes to express its great appreciation for the support it received from the Royal Netherlands Embassy in Washington and the Dutch permanent mission at the United Nations in accomplishing its fact-finding mission.

The AIV adopted the present report during its meeting on 2 March 1998. The concept of conventional arms control has evolved during the past few years into a multifaceted concept. As a result of this multifaceted nature of the topic under review, as it is discussed in the request for advice of the Dutch government, the report is as extensive as it is. A considerable amount of space has been devoted to a description and analysis of the subject matter. Chapter I explores the concept of arms control and outlines the context in which conventional arms control is pursued. Chapter II discusses conventional arms control in Europe. Chapter III looks at the proliferation of and trade in light arms and Chapter IV is concerned with arms exports and export controls. The theme of Chapter V is regional and global arms control. Where policy recommendations are given in these chapters, these are printed *in italics*. The closing chapter, Chapter VI, sets out the conclusions and recommendations. There is a separate set of annexes including the request for advice, a list of people and organisations consulted by the AIV, and a glossary of abbreviations.

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I EXPLORING CONVENTIONAL ARMS CONTROL

It is clear, first of all, that the concept of conventional arms control has undergone a transformation over the past years from a political instrument in the context of East-West relations into a concept which is open to a wide range of interpretations. It is not merely a question of arms control in the traditional sense of the word, but also a matter of what arms control can do to help control the spread of technology, regulate arms exports and imports, settle internal conflicts and stabilise relations between states, as well as reduce the role played by light arms. Conventional arms control is unlikely to play any great role in securing peace in the world, as both the levels of armament and the opportunities for bringing about reductions in these levels reflect the current state of political relations. These relations are the limiting conditions in the pursuit of conventional arms control with the reduction of the use and availability of conventional weapons as a realistic target. Whilst this may be a modest ideal in global terms, it is of vital importance for the states involved.

The aim of this chapter is to define the role of conventional arms control in the light of recent developments in the international arena. The following topics are addressed in this chapter: a definition of arms control (Section I.1), political relations and arms control (Section I.2), including conventional arms control after the Cold War (Section I.2.1) and the political context of measures in the field of arms control (Section I.2.2).

I.1 ARMS CONTROL: A DEFINITION

The term 'arms control' may be used in three distinct senses. It may refer to disarmament, to arms control in the strict sense of the word, and to compulsory arms limitation. (Please note that the definition given below is intended not to be exhaustive, but simply to identify the hard core of the three senses.)

Disarmament may be described as the achievement of a reduction in levels of armament, either under bilateral or international arrangements and agreements, or as a result of unilateral decisions.

Arms control is a political concept which rose to fame in the Cold War. Its aim is to achieve security and stability by encouraging states voluntarily to sign agreements on levels of armament, on the deployment, production, supply and use of arms, and also on the monitoring of enforcement procedures (i.e. verification). Arms control has traditionally focused primarily on levels of nuclear armament, in the United States and the former Soviet Union in particular, and it is this image which has helped to breed the misconception that arms control is simply a question of counting numbers of weapons¹. Whilst a quantitative perspective may undoubtedly play a role in arms control, there is also room for a qualitative perspective, based on the aim of deploying arms in such a way as to minimise the risk of a military surprise attack. In both cases, the principal objective is to achieve security and stability.

1 Authoritative works on arms control have already pointed to the danger of equating arms control with the numbers game. Arms control should be aimed at the achievement of stability. See Hedley Bull, *The Control of the Arms Race: Disarmament and Arms Control in the Missile Age* (London, Weidenfeld and Nicolson for the IISS, 1961), and Thomas C. Schelling and Morton Halperin, *Strategy and Arms Control* (New York, 20th Century Fund, 1961). See also J.G. Siccama, *Wapenbeheersing ('Arms Control')* (The Hague, Clingendael, 1987).

Finally, compulsory arms limitation as a form of arms control has something of a tainted history because of its links with the Treaty of Versailles. It has nevertheless been used on two recent occasions, viz. in Iraq and the former Yugoslavia. In the former case, the UN Security Council formulated a series of resolutions, starting with resolution 678, which were designed to lead to the dismantling of all weapons of mass destruction held by Iraq and to prevent Iraq from producing any other such weapons in the future. The latter case is the Dayton Peace Agreement, which regulates the terms of the cease-fire in Bosnia and Herzegovina. Annex 1-B of this agreement contains measures for stabilising the military situation around Bosnia and Herzegovina. Some of these measures affect the field of conventional arms control and apply to all the combatants, whilst others relate to defence issues and apply only to one of the combatants, i.e. the Republic of Bosnia and Herzegovina.

Arms control measures have traditionally been classified according to the type of weapon involved. The main distinction made is that between weapons of mass destruction (i.e. nuclear, biological and chemical weapons) and their delivery systems on the one hand, and conventional weapons on the other. The request for advice is based on this classification and focuses on conventional arms control. However, it is equally possible to classify arms control measures on a historical basis². In order to illustrate the varied nature of arms control, the following list of arms control measures has been compiled in accordance with the object which the measures are intended to achieve:

- 1 *the management and adjustment of the legacy of the Cold War*: proposals for further refinement, such as START III and the modernisation of the CFE Treaty, are intended to ensure that this legacy remains subject to international control;
- 2 *worldwide prohibition and abstention*: a recent example is the Chemical Weapons Convention, which bans the production, possession and use of chemical weapons. It is worth pointing out that many of the signatory states are in any event either incapable of producing such weapons or of acquiring the technology that is needed in order to produce them, or have no intention of doing so;
- 3 *strengthening the rule of martial law*: the measures concerned are agreements which either forbid or restrict the use of certain categories of weapons or of their intended targets. These represent a continuation of the 'ius in bello' tradition, under which a distinction is made between combatants and non-combatants. A good example is the 1980 Conventional Weapons Treaty, which restricts or prohibits the use of certain types of conventional weapons. The 1997 ban on the use of anti-personnel mines as laid down in the treaty of Ottawa (which was motivated primarily by humanitarian considerations) is a recent example of this tradition;
- 4 *monitoring the transfer of arms and technology*: well-known examples include COCOM and its successor, the Wassenaar Arrangement, which is intended to extend monitoring beyond an East-West framework. Unilateral arms export controls also fall in this category;
- 5 *regional arms control measures*: the measures concerned are geographical limitations on or a full prohibition of the deployment of certain types of weapons. Nuclear-free zones and demilitarised zones (such as the South Pole) are also examples of such measures;
- 6 *physical restrictions in the field of arms control*: these are limitations on or a full prohibition of the deployment of types of weapons in certain types of 'environment'.

2 Jozef Goldblatt, *Arms Control - A Guide to Negotiations and Agreements* (London, Sage Publications, paperback edition, 1996).

Examples include the treaty on the use of arms in space, the Seabed Treaty and the ENMOD convention³;

- 7 *military and political transparency*: starting with the 1963 'Hot Line' agreement between the United States and the Soviet Union up to and including the confidence-building measures agreed in the framework of the OSCE. The rationale behind these measures is that misunderstandings can be prevented by a knowledge of each other's capacities and intentions, and that this can help to bring about security and stability.

1.2 POLITICAL RELATIONS AND ARMS CONTROL

1.2.1 Arms control after the Cold War

It is impossible to discuss international security without referring to the end of the Cold War. This is particularly true of arms control, given that the collapse of the Soviet empire and the Soviet Union has unmistakably given the issue an entirely new dimension. Any examination of the present and future potential for arms control (in the wider sense of the word) must necessarily take as its point of departure the shift in political relations which occurred in the 1989-1991 period. It should be borne in mind, however, that the end of the Cold War did not have the same impact on security, and hence on the prospects for further arms control, in all parts of the world.

During the Cold War, arms control was a matter of common interest to the two rivals, the United States and the Soviet Union. The common interest was the stabilising and crisis-preventive effect which arms control (or rather, security cooperation) had on both parties. Arms control was a means rather than an end. The end was reducing the risk of military escalation and, more particularly, the joint risk of a nuclear war. In addition, during the final stages of this period of rivalry, arms control arrangements and initiatives helped to enhance the atmosphere of trust that had been brought about by political rapprochement. For this reason, a distinction should be made between those arms control arrangements stemming from the early stages of the Cold War and those which were made later on during the Cold War. The former were characterised by political prudence and did very little to alter the levels of armament on the part of the states involved (i.e. not just of the United States and the Soviet Union, but also of their allies) and the way in which their weapons were deployed. The latter did have a direct impact on the deployment of arms. These later agreements are part of the *post-Cold War security situation*, which has fostered the expectation that the states which have a stake in the security of Europe will exhibit peaceful behaviour and undertake long-term cooperation⁴.

The vast majority of the armed conflicts which have taken place since 1989 have involved either struggles for the control of existing monopolies on the use of force (i.e. civil wars) or the establishment of new states (i.e. separatism). It would be a mistake to conclude that this pattern of conflicts arose only after the end of the Cold War. Although it is clear from quantitative data that most of the conflicts which began during the period after the Cold War were internal by nature, this is no different from the period during Cold War. There is no truth in the assertion that there has recently been a shift from inter-state to

3 ENMOD stands for 'Convention on the Prohibition of Military or any other Hostile Use of Environmental Modification Techniques'. It was signed in 1977 and forbids the participating states from manipulating ecological systems or the environment for the purpose of warfare.

4 Michael Mandelbaum (1997), *The Post-Cold War Settlement in Europe: A Triumph of Arms Control*. Arms Control Today, March, pp. 3-8.

internal conflicts⁵. What we have seen in recent times has been an increase in the amount of attention paid (by the press and other media as well as politicians) to internal conflicts.

At the same time, the end of the Cold War does seem to have brought about a change in the attitude of the major powers towards internal conflicts. During the Cold War, the superpowers were interested mainly in whether or not internal conflicts might develop into a threat to the boundaries of the bloc dominated by one of the two superpowers. To give an example, although the warring factions in Angola are the same today as during the Cold War (i.e. the MPLA and UNITA), they are no longer allied to one of the superpowers. The conflict no longer represents a clash between East and West, and the underlying causes (a struggle for the control of natural resources and tribal conflicts, among others) have been exposed as a result. It is worth mentioning, by the way, that the United States and the Russian Federation have been working together for a number of years now in an attempt to find a solution to the Angolan problem.

In certain cases, the major powers have not only assisted in an attempt to find a diplomatic solution, but have actually tried, either with or without the backing of a UN mandate, to use military intervention in order to put an end to a conflict. This has often proved far more difficult than had been expected. Since then the major powers have become more reluctant to intervene, afraid as they are of becoming caught up in a rising spiral of violence. Indeed, the US withdrawal from Somalia is a case in point. The dilemma is that a failure to intervene is just as likely to result in an escalation of violence as an actual armed intervention.

At a global level, there is no single authority or body which has a monopoly on the use of force and which can thus compel states and would-be states to settle their conflicts by peaceful means. It is for this reason that any party to a conflict in the international political arena has no choice but to take the law into its own hands: it is forced to arm itself and to seek protection from a major power and/or to form alliances with other parties. In other words, there is little chance that the end of the Cold War (i.e. the cessation of the hegemonic rivalry between the United States and the Soviet Union in the period from 1989 to 1991) will result in the states of the world co-existing peacefully on a lasting basis. It is more likely that we shall witness a return to the 'anarchic' situation that prevailed before 1945, i.e. a period in which rivalry and cooperation co-exist without there necessarily being any worldwide political conflict. It would therefore be wrong to regard the present lull in the relations between the major powers as being the precursor of a permanent state of affairs. There is still plenty of potential for rivalry in all sorts of areas, including armaments. The theatre in which such tensions are next exposed may not be Europe, but rather other parts of the world where the first signs of potential rivalry are reminiscent of Europe in the 19th century. Relations between China and the United States seem to be moving in this direction. The process of conventional arms control will take place in conditions in which peaceful behaviour and cooperation co-exist with conflicts and the use of violence. There would therefore seem to be every reason for making optimum use of the opportunities presented by the current political conditions. An additional factor of importance in this respect is the nuclear arsenal possessed by the five recognised nuclear states, i.e. the United States, the Russian Federation, China, the United Kingdom and France. Although any pronouncement on the significance of a nuclear

⁵ See J.G. Siccamo and A. Oostindier (1995), *Veranderingen in het conflictpatroon van na de Koude Oorlog: misverstanden en feiten* ('Changes in the pattern of conflict during the post-Cold War period: misconceptions and facts'). The Hague, Clingendael Report, pp. 7 & 8.

deterrent must necessarily be shrouded in uncertainty these days, the AIV believes that there are good reasons for assuming that, as in the time of the Cold War, the possession of nuclear weapons will continue to encourage the recognised nuclear states to do their utmost to avoid crises. This applies particularly to any tensions or conflicts which pose an inherent threat of escalation. After all, the extent of the mutual destruction caused by a nuclear war is still the overriding concern so that states will not wish to undertake any high-risk initiatives because of the risk of escalation. In other words, it is extremely unlikely that a Great War (such as the Napoleonic Wars or the Second World War) will be started deliberately. Because of the need to curb the risk of escalation, therefore, the chances of any violent conflict between the recognised nuclear states have become very small. The implication for the five recognised nuclear states is that conventional arms now have less of a bearing on relations between them: the prospect of a conventional arms race between these states is indeed remote. This does not of course diminish the need for preventing the further proliferation of nuclear weapons and the systems used to deliver them. There are reasons to believe that it will be less easy to predict the behaviour of new nuclear states which are not yet recognised as such.

It is against this background of changing relations in the field of international security that conventional arms control will take shape. The remainder of this chapter is devoted to a discussion of the political context of conventional arms control.

1.2.2 The political context of conventional arms control

As a consequence of the international political trends outlined above, arms control is no longer dominated by the strategic relationship between the superpowers. Instead, other aspects of arms control have now taken on increasing importance, as is illustrated by the very fact that the AIV has been asked to give its opinion on conventional arms control. Clearly, arms control is in a state of flux⁶.

The same is true of conventional arms control in particular. The role of conventional arms control tends to vary depending on the political context in which those seeking it are operating. For this reason, a distinction will be made between the context of traditional inter-state relations (Section 1.2.2.1), the context of the post-Cold War settlement in Europe (Section 1.2.2.2) and the political context of tensions and conflicts within states (Section 1.2.2.3)⁷.

1.2.2.1 The context of traditional inter-state relations

First of all, there is the political context of areas and regions in which relations between states are dominated by the issue of sovereignty. Most states have a policy of not interfering in the domestic affairs of other states. The areas and regions which are concerned here are Latin America, South and East Asia and China, and the Middle East. The majority of the states in these areas have established monopolies on the use of force, although not all of them are considered to be the legitimate owners of such monopolies. The governments of the states in question seek to protect their own national

6 See the following reviews in this connection: James Ferguson (1991), *The Changing Arms Control Agenda. Arms Control*, vol. 12, No. 2, pp. 191-210, and Brad Roberts (1997), *Arms Control in the Emerging Strategic Environment. Contemporary Security Policy*, vol. 18, No. 1 (pp. 57-82), p. 61. See also: Stuart Croft (1996), *Strategies of Arms Control - A History and Typology*. Manchester/New York, Manchester University Press.

7 For an analysis of political relations on similar lines, see Koen Koch (1997), *State, Security and Armed Forces at the Turn of the Millennium*. In: Gert de Nooy (ed.) (1997), *The Clausewitzian Dictum and the Future of Western Military Strategy*. The Hague, Kluwer Law International, pp. 75-91.

interests, and this they may do during times of tension or conflict either by using force or by threatening to do so. To this end, they enter into alliances and other forms of temporary or permanent cooperation with other states. Relations between states hinge on power balances and diplomacy in the traditional sense of the word.

Many of the players in this political context have declared themselves in favour of the European model of conventional arms control (see also Section IV.3). This is because they believe the model can help to defuse tensions and subdue conflicts. The transfer of technology and arms exports are also important elements in this equation, firstly, because the availability of sophisticated technology and arms supplies may raise the level of tension in the areas in question, and secondly, because the standard of economic and industrial growth in the relevant states is sufficiently high to accommodate key arms producers and exporters.

One of the factors that is playing an increasingly important role in the balance of power between states is qualitative differences between their armed forces, including the sophistication of the technology used. Some commentators have even described the situation as constituting a revolution in terms of military technology⁸. Agreements on the restriction of arms exports are aimed at preventing high-tech weapon systems from falling into the 'wrong' hands. However, as the technology is also disseminated through civil applications, such agreements can only slow down the speed of proliferation rather than stop it entirely. The main goal of arms controls and procedures for restricting arms exports is to enable the technologically advanced states to maintain their lead and thus, above all else, to guarantee their own national security. Considerations relating to international or regional stability and security come second.

Despite the efforts made to the contrary, technologically sophisticated weaponry has nonetheless begun to proliferate. The Stinger and Scud missiles are good examples of such weaponry. These have played an important role in a number of conflicts (such as in Afghanistan, the former Yugoslavia and the second Gulf War). Where states suddenly find themselves looking down the barrels of technologically sophisticated weapons they themselves have exported, they may be said to be the victims of the boomerang effect of arms exports. It is because of the tension between technological innovation on the one hand and the proliferation of conventional arms and sophisticated technology on the other that those states which are the sources of advanced military technology are also the most fervent advocates of arms control and agreements to limit the spread of technology. The question of the disposal of obsolete military equipment is a further complicating factor in this regard. States discard obsolete equipment either because they have bought new, more technologically advanced arms or because they are obliged to decommission certain weapon systems in order to satisfy the requirements of arms control agreements. The result is that stocks of redundant, partly obsolete weapons are created, which may then appear on the market. Clearly, this is an additional hindrance on the path to arms control and the restriction of arms exports.

1.2.2.2 The context of the post-Cold War security situation in Europe

A second political context is that which may be referred to as the 'post-Cold War security situation in Europe'. This embraces those states in North America and Europe which are involved in shaping security in Europe. In most cases, a state's monopoly on the use of force was established a long time ago and its legitimacy is not contested. The role played

8 One of the many examples is provided by Robert J. Bunker (1997), *Technology in a Neo-Clausewitzian Setting*. In: Gert de Nooy (ed.), pp. 137-165.

by these states in the security situation in Europe is subject to a range of arrangements, agreements and treaties. The states regard these agreements as being binding upon them and also as laying down the rules and conventions governing their mutual behaviour. International organisations such as the OSCE, NATO, the European Union (the second pillar) and the WEU all play key roles in this network of arrangements, agreements and treaties. For some states, this is because they are already members of such organisations; for others it is because they wish to join them. These arrangements, agreements, treaties and organisations are vital features of the foreign policy of both groups of states, although there are differences between individual states in terms of the nature and depth of their involvement. This situation is referred to in this report as the 'post-Cold War security situation in Europe', and is characterised by the presence of political standards and principles, rules, institutionalised channels of consultation and decision-making procedures which shape the foreign policy of the states concerned⁹. The results achieved in the field of arms control (in relation to both conventional and other weapons) are part of this situation. As far as conventional arms control is concerned, the principal agreements are the CFE Treaty, the arrangements on the imposition of ceilings on the number of armed forces personnel, and the arrangements on confidence-building and security-building measures.

The post-Cold War security situation in Europe, including the results achieved in the field of conventional arms control, has acted as a buffer in absorbing the shock waves emanating from the international political changes which took place during the period between 1989 and 1991. The most important of these changes were the collapse of the Soviet empire and the Soviet Union, and the reunification of Germany. The collapse of the Soviet Union and the former Yugoslavia has led to the creation of states some of which display characteristics of the political context of tensions and conflicts (see Section I.2.2.3 below). These range from clear cases of 'failed states' (such as Tadjikistan), borderline cases (such as Byelorussia) to recently created states which are very similar to the other states which are part of the political context of the post-Cold War security situation in Europe (such as Slovenia). Many of the relations with and among these new states are also governed by the arrangements, rules and treaties constituting the post-Cold War security situation, even if this is only because the states in question observe them on account of their desire to 'join the club'.

The structure of the post-Cold War security situation is regularly adjusted in order to create a lasting framework for political change. In the military field, the Partnership for Peace and its political counterpart, the European-Atlantic Partnership Council, as well as the agreements between NATO and the Russian Federation and the Ukraine¹⁰ provide the political framework in which the relations between the West and the member states of the former Eastern bloc are anchored. The expansion of the membership and further

9 A network of arrangements, agreements and treatments as described above may also be referred to as an 'international political regime', defined as a set of implicit or explicit principles, norms, rules and decision-making procedures around which actors' expectations converge. See Krasner, S.D. (ed.) (1983), *International Regimes*. Ithaca, Cornell University Press, p. 2. Other terms are also used to identify the same situation, e.g. a 'multilateral security system', see Bertram, C. (1995), *Europe in the Balance - Securing the Peace Won in the Cold War*. Washington, Carnegie Endowment for International Peace, p. 2 ff.

10 The agreements referred to here are the 'Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation' and the 'Charter on a Special Partnership between NATO and the Ukraine'.

internal adjustment of the sole remaining military alliance, NATO, is the next planned step on this road.

As far as conventional arms control is concerned, it is also important to note that changing security requirements have led to a shift in states' defence capacities away from large standing armies towards smaller, mobile forces which can be deployed at very short notice. The planned review of the CFE Treaty should be seen against the background of the desire to ensure that the new relations between the treaty parties and the military consequences of these relations also have a tangible impact on conventional arms control. It is no longer possible for the negotiations on this issue to be conducted on a bloc-to-bloc basis, as the Eastern bloc is now defunct. The resultant need to broaden the scope of the negotiations from a bilateral to a multilateral framework has greatly increased the complexity of the process of modernising the CFE Treaty. It should be said, however, that many of the parties to the treaty launched programmes of unilateral disarmament before the process actually started.

It has become clear in recent years that, on occasions when political tensions have mounted and conflicts have broken out, agreements on conventional arms control have not been adequate. Armed conflicts have occurred, for example, in the former Yugoslavia, Georgia, Azerbaijan (over Nagorno-Karabakh) and Checheno-Ingush, whilst Moldavia has also seen tension rise to boiling point. The crucial point is that, despite the existence of an obligation to provide information imposed by agreements on arms control, other states have been given little or no information about any rising tension.

1.2.2.3 The context of tensions and conflicts within states

The third political context is found in areas and regions where the process of creating nations or states has only just started and where, in certain cases, states have disintegrated. Although internal cohesion and stability tends to vary greatly from state to state, it is generally weak as a result of the failure of the process leading to the creation of a nation or state. Such areas are to be found in Asia and Africa, as well as (as mentioned in Section 1.2.2.2) in and on the edge of Europe, i.e. parts of the former Yugoslavia and parts of the former Soviet Union. In most cases, monopolies on the use of force are either weak or non-existent. The force that is used (which sometimes takes the form of terrorism perpetrated by dictatorial regimes) is by no means universally accepted as being of a legitimate nature. This applies particularly to the civilians who are its victims, and to a certain degree also to the international community. Because there is a lack of integration, conflicts in these regions may result in chaos, not only on a political level, but also socially, economically and in other ways. Newly formed state structures and any incipient sense of nationhood are often swept away by the use of armed force which may ensue from a conflict. Where this happens, the nation in question is referred to as a 'failed state', i.e. characterised by violent disintegration, sometimes associated with terrorism. If foreign intervention takes place, this is usually intended as a means of putting an end to a situation of chaos and preventing it from spreading to neighbouring countries, whether as a result of the underlying conflict being exported abroad or by flows of refugees. In such a situation, military intervention is tantamount to an attempt to institute a substitute monopoly on the use of force. Unfortunately, history shows that military operations have only a slight chance of success and tend to run into a whole wealth of problems.

The focus in this political context is on conventional arms control, no longer in Europe alone, but also in other parts of the world. After all, it is often claimed, these are the weapons which cause so many casualties. It is for the same reason that the issue of

light arms has become a recurrent item on the political agenda in the 1990s. The UN General Assembly first discussed the matter back in 1991. Writing in the Supplement to the Agenda for Peace in 1995, the then UN Secretary-General, Boutros Boutros-Ghali, described light arms in no uncertain terms as 'the weapons that are actually killing people in their hundreds of thousands'¹¹. He pointed in this connection to the proliferation of automatic hand-guns and anti-personnel mines. Measures to control conventional arms may be agreed as part of a peace treaty or an armistice, in the hope that they will help to solve or contain the conflict in question. Because of the humanitarian needs resulting from conflict and the use of armed force, and also because conventional weapons are often supplied by manufacturers in the North to purchasers in the South, the issue of conventional arms control has been given a North-South dimension. The debate on how to reduce the use and availability of conventional arms has therefore been extended to include the question of arms exports and imports.

This issue, i.e. reducing the use and availability of conventional arms, provides the key theme for the following chapters, which discuss the various aspects of conventional arms control raised in the request for advice of the Dutch government.

11 *Supplement to an Agenda for Peace* (1995), Boutros Boutros-Ghali (New York, A/50/60-S/1995/1), point 60.

II TOWARDS NEW RELATIONS IN EUROPE WITH REGARD TO CONVENTIONAL ARMS CONTROL

II.1 THE CFE TREATY

II.1.1 The CFE Treaty during the period up to 1997

The Treaty on Conventional Forces in Europe (CFE) imposes restrictions on the numerical strength and deployment of the armed forces of 30 signatory states in Europe. The treaty was signed at a time of radical change in the international political arena. Speaking to the General Assembly of the United Nations in December 1988, the Secretary-General of the Soviet communist party, Mikhail Gorbachov, said that the Soviet Union would be willing to relinquish its military superiority in Europe. When the treaty was signed in 1990, the door had just been opened to different international political relations than those which prevailed during the Cold War. The CFE Treaty was signed by the member states of NATO and the former Warsaw Pact in November 1990. Because the Warsaw Pact was in the process of disintegrating at the time, the structure of the treaty is based on the existence of two separate groups, but the treaty does not actually mention the military alliances underlying the structure. Moreover, when the Soviet Union collapsed in 1991, steps had to be taken to allow the Soviet Union's successor states in Europe to become parties to the treaty in their own right (which they did, with the exception of the Baltic states, which did not wish to accede). This was arranged in the Tashkent Agreement of May 1992 (resulting in the number of treaty parties rising from 22 to 30)¹². The CFE Treaty finally came into force in July 1992. The complexity of the process is due partly to the technical requirements relating to the need to limit the numbers of heavy conventional weapons (tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters) and to monitor compliance, and partly to the changes in the international political setting as described above, which have had a marked impact on the treaty.

Thanks to the CFE Treaty, military relations in Europe are now transparent and there is no longer any need in the present circumstances to worry about strategic surprise attacks and large-scale offensives. The CFE Treaty has codified the unilateral reductions in the military capacity of the vast majority of European countries, and has ensured that these are verifiable by incorporating inspection procedures. The ceilings which have been imposed on categories of heavy weapons have had a confidence-building effect, and large quantities of military equipment have been destroyed. This is not to say that the enforcement of the CFE Treaty has proceeded entirely without problems. In the following sections, we shall discuss two particular problems which have a bearing on the adaptation of the CFE Treaty: the deployment of Russian military forces in the flank area and the military equipment east of the Urals.

1 At the end of the period set for the reduction in military equipment in accordance with the limits imposed by the treaty, i.e. on 17 November 1995, it became clear that the Russian Federation had deployed more heavy weapons on the flanks than was

12 The following states are now (i.e. 1998) party to the CFE Treaty: Armenia, Azerbaijan, Belgium, Bulgaria, Byelorussia, Canada, the Czech Republic, Denmark, France, Georgia, Germany, Greece, Hungary, Iceland, Italy, Kazakhstan, Luxembourg, Moldavia, the Netherlands, Norway, Poland, Portugal, Romania, the Russian Federation, Slovakia, Spain, Turkey, the Ukraine, the United Kingdom and the United States.

permitted under the terms of the treaty¹³. The Russian government claimed that its position was justified by security problems in the Caucasus. It should be borne in mind that the Russian Federation did, in fact, observe the other ceilings imposed by the treaty. The Russian attitude did not come as a surprise, given that Moscow had been pressing for a change in the ceilings for the flanks ever since 1993. Although the resolution of this problem was complicated by the fact that Russia and Turkey were opposed to each other regarding political influence over the Caucasus, a three-pronged solution was in fact devised in mid-1996. First of all, the map of the CFE treaty's area of application was revised: the size of the flanks was reduced by transferring certain areas from the flank zone to the central zone. This gave the Russian Federation more military latitude, particularly in the Caucasus. Secondly, the restrictions applying to the Russian Federation were eased for a three-year period up to 31 May 1999; the ceilings were temporarily raised by adding the equipment already deployed in the regions in question. These two concessions by NATO were counterbalanced by a concession made by the Russian Federation which forms the third element in the solution: the Russian Federation agreed to allow easier access to the regions involved for inspection teams charged with verifying the enforcement of the treaty. In concrete terms, the Russians agreed to a further ten inspections. The flank zone agreement may be described as a form of modernisation of the CFE treaty prior to any planned review. It is important that any subsequent review of the treaty takes account of these arrangements.

- 2 Before signing the CFE treaty (in November 1990), the Russian Federation moved large quantities of various types of heavy conventional weapons covered by the treaty outside the treaty's area of application, i.e. to an area east of the Urals. The agreement made in connection with (at least most of) this equipment is that it must be decommissioned in a manner that is visible to US satellites. Although the Russian Federation has not complied with this obligation (because of a lack of funds, the Russian government claims), it has now been given until the year 2000 to do so, on condition that inspection teams can have access to the equipment in order to verify that the Russians have kept their promise. In the meantime, the vast majority of the weapons involved are no longer serviceable, partly as a result of being stored in the open air, where they have been exposed to the influence of the weather, and partly because no maintenance work has been performed on them.

Although the CFE treaty is limited to heavy conventional arms, the treaty parties have also agreed on limits to personnel strength. These are set out in the July 1992 CFE Personnel Agreement, in which the treaty parties agreed on personnel numbers for the CFE treaty's area of application. As from March 1996, these figures will be regarded as constituting ceilings which may not be exceeded.

II.1.2 The adaption of the CFE Treaty

The changes in the international security situation have created a need for undertaking a review of the CFE Treaty. The adaption of the treaty should be seen in the broader political context of the further development of the post-Cold War security situation in Europe. Both

¹³ The flanks are a special geographical zone in the CFE Treaty territory, i.e. the areas in the north and south of the treaty's area of application on the borderline between the former Warsaw Pact and NATO. The CFE Treaty makes various exceptions, including special numerical ceilings, for these zones. Turkey, Greece and Norway are the NATO member states in the flank zone. The Eastern group of states concerned are Romania, Bulgaria, Moldavia, Armenia, Georgia, Azerbaijan and parts of the Russian Federation (i.e. the Leningrad and North Caucasus military districts) and the Ukraine (i.e. part of the Odessa military district).

the enlargement and adjustment of NATO, and the further development of security relations with the Russian Federation and the Ukraine that follows from the changes taking place in NATO, are part and parcel of this context. Because the CFE Treaty plays such a key role in European security, its adaptation is highly charged politically, in spite of its technical complexity. The Joint Consultative Group, which is the forum in which negotiations are being conducted in Vienna, finally managed to agree in 1997 on a procedure for tackling the further adaptation of the CFE Treaty. The original plan was for the Joint Consultative Group to formulate a comprehensive framework agreement, but this proved to be an unrealistic proposition, and so it was decided not to go any further than an agreement on an agenda for negotiations¹⁴. No changes are likely to be made to the system of classification of heavy weapons used by the treaty. The adaptation of the CFE Treaty is intended to meet the following goals:

- 1 The structure of the CFE Treaty is based on the existence of a Western and Eastern group of treaty parties. This structure, i.e. two opposing groups of states, no longer reflects security relations in Europe, given that the Eastern group of treaty parties has now ceased to function as such. For this reason, the parties would like to get away from the treaty's bipartite structure. This will undoubtedly affect the verification system.
- 2 Once the treaty is no longer based on a group structure, the limitations imposed on the various categories of arms will also have to be expressed in a different way. This will be done by distinguishing between national and territorial ceilings. National ceilings will be used to limit the quantity of equipment which states are allowed to deploy within their own territories. Territorial ceilings, on the other hand, will limit the numbers of tanks, armoured combat vehicles and pieces of artillery which states are entitled to deploy within the territories of other states. This includes equipment pertaining to units which have already been deployed in other countries. Further numerical reductions in armaments have also been agreed, compared with the numbers permitted when the CFE Treaty was signed in 1990¹⁵. *The AIV welcomes this goal of achieving further reductions.*

One of the key issues in the negotiations is the manner in which territorial ceilings are to be set and reviewed. (National ceilings are set by agreement and may be raised on a bilateral basis, i.e. one country is entitled to raise its ceiling if another country simultaneously lowers its ceiling by the same amount.) In addition, the treaty parties will discuss measures to prevent any armed forces, including foreign armed forces, from being deployed in a manner that a treaty party may regard as being threatening. This is a Russian requirement emanating from the enlargement of NATO¹⁶;

14 This was the 'Decision of the Joint Consultative Group Concerning Certain Basic Elements for Treaty Adaption' taken on 23 July 1997. This document will henceforth be referred to as the JCG's decision of July 1997.

15 The treaty parties reached agreement on this point in the JCG's decision of July 1997: "They [i.e. the treaty parties] will reach conclusions regarding reductions they might be prepared to take, with the aim of achieving a significant lowering in the total amount of TLE permitted in the area of application [...]", p. 2, point 5. The Founding Act signed by NATO and the Russian Federation stipulates as follows: "NATO and Russia believe that an important goal of CFE adaptation should be a significant lowering in the total amount of Treaty-limited equipment permitted in the Treaty's area of application [...]", p. 13. In reply to questions asked in the Lower House of Parliament by a member of the 'Green Left' party during the debate on the 1998 budget for the Ministry of Foreign Affairs, the Minister for Foreign Affairs announced that there might be a reduction of at least 10% in the Dutch ceiling and said that he did not rule out further reductions.

16 See in this connection the JCG decision of July 1997, p. 3, point 13.

- 3 Now that it has been decided that the CFE Treaty should no longer be based on a bipartite structure, it would be logical to allow states which are not currently party to the treaty to accede to it. After all, these states are also affected by the role played by the CFE Treaty in enhancing stability and security in Europe. The states involved are, in addition to the Baltic states already referred to above, states which were formerly neutral or non-aligned, such as Ireland, Austria, Switzerland, Sweden and Finland, as well as the successor states of the former Yugoslavia. Members of the OSCE which are not parties to the treaty regularly receive progress reports on the implementation and adaption of the CFE Treaty. A closer involvement of these countries would be consistent with the goal, as agreed in the OSCE, of harmonising obligations in the field of conventional arms control.

The AIV recommends that the following action be taken in order to bring about this harmonisation:

- (a) Countries which are not party to the CFE Treaty should be asked to participate in the exchange of military information and in the procedures for verifying its accuracy. The first step could be voluntary participation, for example by countries which are members of the European-Atlantic Partnership Council.*
- (b) Countries wishing to join NATO should first sign the CFE Treaty. This condition does not affect the first stage in the enlargement of NATO, i.e. the accession of Hungary, Poland and the Czech Republic, as these countries are already party to the CFE Treaty. In the longer term, however, this requirement may help to harmonise obligations in the field of conventional arms control, as well as ensure that the enlargement of NATO remains a transparent process and has a confidence-building effect.*

The AIV urges the Dutch government to seek to effectuate points (a) and (b) above in the appropriate international fora.

When the CFE Treaty is reviewed, the principle of achieving equilibrium in the balance of military power may no longer presume the existence of two groups of states. Military power will henceforth be individualised (in terms of national ceilings) and attributed to either all or parts of the territories of the treaty parties (in terms of territorial ceilings). If the treaty parties succeed in reaching agreement on this, the balance of conventional military power in Europe will be subject to arrangements which are based on the new security situation.

It is quite likely, by the way, that many countries will lay claim to ceilings that are higher than their current stocks of military equipment. This is the result not simply of the need for flexibility, but also of a desire to achieve international status. *Any discrepancy between the agreed ceilings and the actual holdings of military equipment should make allowance both for the need for stability (i.e. the ceilings should have a confidence-building effect) and for the need for flexibility (i.e. there should be opportunities for taking military action in a crisis situation). A slight discrepancy may help to reveal a military build-up. Whatever the case, agreements on national and territorial ceilings may be regarded as constituting a recognition by the treaty parties of each other's defence requirements, the key point being that none of the treaty parties should be able to develop conventional military superiority or to pose a threat to other treaty parties*¹⁷.

¹⁷ The JCG's decision of July 1997 reads as follows on this point: "The States Parties are determined to sustain and strengthen the Treaty's effectiveness in preventing destabilizing accumulations of indigenous and stationed forces. They will seek stability by further developing measures to prevent any potentially threatening build-up of conventional forces in particular regions", p. 2, point 10.

The main reason for adapting the CFE Treaty is the need to protect the security interests of the large and medium-sized treaty parties, i.e. the United States, the Russian Federation, the United Kingdom, Poland, France and Germany. The problem with abandoning the group structure is that NATO may end up playing a less important role in the negotiations on the CFE Treaty and that bilateral negotiations may instead become more important. This in turn brings with it a risk that small countries such as the Netherlands may find themselves overshadowed. Germany has a vital role to play in this respect, partly because of its geographical location, but also on account of the large number of units stationed on its territory. Moreover, Germany is particularly important from a Dutch viewpoint because of the close cooperation between the two countries, as exemplified by the presence of a joint German-Dutch army corps. *Against this background, there is every reason to intensify links with Germany, particularly in the field of verification. Moreover, these links can be anchored in the system of military cooperation between Germany and the Netherlands. The AIV urges the Dutch government to take the necessary action to this end.*

The AIV believes that the CFE Treaty should be made crisis-proof as part of the process of adaption. The fact that the treaty is still overly concerned with the prevention of major conflicts has led to a curious situation in which certain treaty parties have been involved in conflicts in recent years (mainly of an internal nature) unbeknown to the other treaty parties, who have not been informed of this as part of the procedure for exchanging military information. All they have been able to do is to conclude that certain equipment cannot be inspected because it is located in areas of conflict where the safety of the inspectors cannot be guaranteed. A first step would be to make provision for this type of equipment in the regulations on the exchange of information. Secondly, the treaty parties could agree to give an immediate warning to the effect that they are unable to guarantee the safety of inspectors in a particular area (rather than simply waiting until an inspection is announced for the area, as is the case at present). Thirdly, the following measures could be envisaged:

- 1 One of the stabilising measures which the treaty parties could take to prevent any potentially threatening build-up of armed forces in particular regions is the imposition of an obligation to report the actual use made, during an armed conflict, of the five categories of heavy equipment covered by the CFE Treaty. The information supplied would include any change in the location of the equipment, information on whether or not inspections are possible, etc.;
- 2 The next step is that the treaty parties are given an opportunity to discuss, in the JCG, the actual use of the equipment as referred to above;
- 3 Finally, the JCG could be given the power to dispatch inspection teams to the region in question, which means that the inspections would no longer be a national responsibility, but rather that all the treaty parties would carry joint responsibility for inspections. The data base with names of inspectors who are acceptable to all treaty parties could be used for this purpose.

The AIV urges the Dutch government to ensure that the CFE Treaty is made more crisis-proof. To this end, the government should put forward the measures set out above in international fora.

II.1.3 The Russian Federation

The Russian Federation is a special case where the adaptation of the CFE Treaty is concerned. This is primarily as a consequence of the collapse of the Soviet empire, the Soviet Union itself and the enlargement of NATO. According to the Russian government, these developments have had an extremely deleterious effect on the country's security. The Russians feel that this situation should be reversed by a radical review of the CFE Treaty that would impose restrictions on the other treaty parties such that they can no longer benefit from the deterioration in Russia's security situation.

As a second factor, the armed forces in Russia have suffered greatly from the economic problems in the Russian Federation. Reductions have become unavoidable, if only because the Russian defence budget is totally insufficient for maintaining its current, massive army in a state of readiness. In December 1997, President Yeltsin announced a 40% reduction in Russia's land and naval forces. The cuts will principally affect the armed forces in the northwest of the country, which suggests that Russia is planning to concentrate its armed forces in other parts of the country. It would seem logical to assume that one of the main considerations in this respect is the presence of energy stocks in the area around the Caspian Sea and the Caucasus. Whatever the case, the unilateral cuts which will inevitably be made to the Russian armed forces in the near future have presented the authorities in Moscow with extra grounds for demanding radical limitations in the framework of the modernisation of the CFE Treaty. At the same time, it is worth mentioning that there are other armed forces, such as that controlled by the Ministry of the Interior, which have taken on a more important role in recent times. These forces are often better equipped than the regular military forces and are not currently covered by the personnel ceilings agreed under the CFE Treaty. *In the light of the increasing significance of these armed forces, both in the Russian Federation and elsewhere (such as the Ukraine), the AIV feels there is a need for reviewing the categories of personnel which are subject to the agreed ceilings. The AIV believes that the ceilings imposed under the CFE Treaty should be extended to cover the personnel belonging to these and other paramilitary units.*

Thirdly, some of the treaty parties, particularly the former member states of the Warsaw Pact and certain successor states of the Soviet Union, regard the CFE Treaty as providing an extra safeguard against a potential revival of Russian imperialism. This is not simply a consequence of events which have taken place in the recent past, but also because the countries in question are worried about a possible rise in the popularity of revanchism among Russia's domestic political parties.

Fourthly, as has already been explained in Section II.1.1, for many years the Russian Federation deployed more heavy weapons on the flanks of the treaty's area of application than was actually permitted under the terms of the treaty. The Russians claimed that this was justified by the changes that had taken place in the security situation, a claim which was disputed by some of the other treaty parties. In part at the instigation of the United States, the treaty parties agreed to accommodate the Russian viewpoint, specifically in order not to compromise its involvement in the post-Cold War security situation in Europe.

The adaptation of the CFE Treaty forms part of the process of adjusting the post-Cold War security situation in Europe to the changing political conditions. The same is true of the enlargement of NATO. The AIV urges the Dutch government to ensure that the two issues are linked by seeking to complete the adaptation of the CFE Treaty prior to the enlargement of NATO. Given that the new member states are due to accede in April 1999 (when NATO will be celebrating its 50th anniversary), this means that the adaptation of the CFE Treaty would need to be completed by this date.

II.2 CSBMs

The concept of 'Confidence and Security Building Measures' (CSBMs) was first introduced in Europe in the Final Act of the 1975 Helsinki Conference on Security and Cooperation in Europe. The Final Act includes agreements on CSBMs, which are designed mainly to prevent hostilities from breaking out unintentionally (as indeed is the objective of comparable measures taken in relation to nuclear arms). The best way of securing this objective was thought to be by obliging the parties to give advance notice of any large-scale military exercises which they were planning to conduct, and it was regarded as a political breakthrough when agreement was reached on this point. Since then, there has been a tremendous and unexpected increase in the number of political agreements and arrangements that are not laid down in treaties, particularly after the Stockholm Document was signed in 1986. Whilst the original agreements provided simply for advance notice to be given of large exercises and for observers to be allowed to attend these exercises, the situation today is that observers can attend a huge number of exercises and visit a very wide variety of military installations. Information is also exchanged and meetings held on defence doctrines and policies.

CSBMs fall into a separate category from all other forms of arms control. They are aimed primarily at military output; in other words, they focus not so much on military capacity as on the results which this capacity may be expected to produce¹⁸. CSBMs did not always work well when they were first introduced. In the early 1980s, for example, at a time when the Solidarity trade union was just starting to become a force to reckon with in Poland, the Warsaw Pact countries supplied less information about large-scale military manoeuvres on their borders with Poland than they should have done under the Helsinki Final Act. This increased the political tension at the time. The fact is that CSBMs were used in a manner that was completely at odds with their intended purpose, i.e. to arouse suspicion and create confusion by deliberately supplying inaccurate information¹⁹.

The situation now is that the CSBMs in the 1994 Vienna Document have been more or less fully implemented by the OSCE states. This also applies to the measures which were agreed a number of years back, i.e. the exchange of information on defence planning (originally a Dutch initiative) and military cooperation. The annual exchange of information on the armed forces and on defence planning has increased military transparency, particularly when the two aspects are taken in conjunction with each other. The OSCE countries generally provide the requisite data on time. The implementation of the Vienna Document is reviewed each year, thus giving the participating countries an opportunity to air their views on the operation of CSBMs.

We are now witnessing a steady decline in the size of the military exercises announced by the participating countries. This is the result of two trends: firstly, compared with the Cold War era, military exercises have become smaller and involve smaller units; secondly, the use of computer simulations is becoming increasingly popular. This has led to

18 'Because it [a CSBM] concentrates explicitly on what the other side can do rather than on what military quantities it has at its disposal, this approach represents a fundamental change, a change from a focus on the military input - men, tanks, missiles - to a focus on the military output - surprise attack, pre-emptive nuclear strike, etc.'. See C. Bertram, *The Future of Arms Control: Part II. Arms Control and Technological Change: Elements of a New Approach*; Adelphi Paper 146 (London, IISS, 1978), p. 19.

19 See V.Y. Ghebali, *La diplomatie de la détente: la CSCE, d'Helsinki à Vienne (1973-1989)* (Brussels, Etablissements Emile Bruylant, 1989), p. 159.

situations in which states have invited observers to attend exercises which have actually been below the critical threshold in terms of the number of personnel taking part. *The AIV nevertheless believes that it should be possible to subject mobile, rapid response units (which can be put to good use for offensive tasks) to closer scrutiny through CSBMs. The AIV therefore urges the Dutch government to argue, within the context of the OSCE, in favour of the exchange of more detailed information and in favour of the creation of CSBMs which would enable observers to attend exercises involving 1,000 to 1,500 persons (the current threshold being 3,500, subject to certain conditions).*

Following the OSCE summit in Budapest in 1994, negotiations on arms control in the OSCE in Vienna have made very little progress. It was for this reason that it was decided to highlight the issue at the Lisbon summit in December 1996 by drafting an agenda and a framework for arms control. Although these list a wide range of different topics, such as areas in relation to which new measures could be devised, challenges and risks, objectives and methods, etc., neither document is endowed with a genuine sense of political direction. The adaption of the CFE Treaty may well bring about a change in this situation. It can hardly be a coincidence that, now the debate about CFE is beginning to intensify, more proposals for CSBMs have been submitted, including for one relating to military infrastructure and another relating to aircraft. The first proposal aims at broadening the scope of the information which parties are obliged to supply, to include new military infrastructure and improvements in the existing infrastructure; these would then also be subject to a form of verification. Under the second proposal, information would also be exchanged on transport, tanker and surveillance aircraft (AWACS aircraft in particular). *The AIV supports these proposals, not only because they contribute to openness and transparency, but also because they complement the adaption of the CFE Treaty.*

The Open Skies Treaty, which was signed in March 1992, is in itself a CSBM, as it gives the treaty parties an opportunity to conduct airborne surveillance missions over each other's territories. The idea is that the other treaty parties should be informed of the results of the surveillance activities in relation to military installations. To date, the only flights performed have been test flights, because the Russian Federation, the Ukraine and Byelorussia have not ratified the treaty yet. In order to speed up things, two options have been suggested at the talks in Vienna, i.e. either modifying the draft Open Skies Treaty to turn it into a CSBM or incorporating it in the verification protocol of the CFE Treaty. The AIV prefers the first option, if only because it would enable a larger number of countries to participate in the implementation of Open Skies flights. There is a certain degree of risk involved in the second option, given that the three states in question are also party to the CFE Treaty. In other words, the incorporation of the Open Skies Treaty in the verification protocol could complicate the adaption of the CFE Treaty.

III THE PROLIFERATION OF AND TRADE IN LIGHT ARMS: A GLOBAL ISSUE

III.1 INTRODUCTION

The international community is facing explosive growth in the scale on which atrocities are committed. Brutality, the uncontrolled use of force and outright terrorism have become commonplace. The names of countries such as Somalia, Sri Lanka, Bosnia and Herzegovina, Rwanda, the Democratic Republic of the Congo (formerly known as Zaïre) and Algeria have become inextricably associated with the use of random and excessive violence in recent years. Such incidents may be perpetrated either by the government (i.e. the army, police, special security services or mercenaries) or by groups seeking to challenge the government's authority. In many instances, however, it remains unclear as to who or which group is responsible for atrocities. Against this background, there is now an urgent need to restrict the availability and use of light arms. Measures in this field may be included in the terms of a peace agreement or armistice.

A distinction needs to be made between the causes underlying a conflict and the means which the opposing factions have at their disposal for settling it. While the latter aspect is part of the arms control problem, the former requires that we approach the issue from a broader perspective than arms control alone. Although arms control may be able to help to a certain extent in staunching the flow of light arms, it is no match for the centrifugal forces or violent anarchy resulting from conflicts of interests and enmity. It is no different in this respect from a peace agreement or an armistice. Because of the urgency of the problem and the undeniable link that exists between the availability of arms and the way in which conflicts are settled, this chapter begins with a brief discussion (elaborating on the theme introduced in Section I.2.2.3) of the conditions in which light arms are generally transferred and used.

III.2 LIGHT ARMS AND CONFLICTS

Light arms are often used, particularly (but by no means solely) in the Third World, in conflicts in which two or more parties battle for the power of government. The states in which such conflicts occur are sometimes referred to as 'failed states', and the conflicts themselves are sometimes described as 'complex emergencies' or as situations of 'half peace/half war'. A common feature of all cases, however, is the violent disintegration of states, frequently accompanied by terrorism. These states are threatened with collapse as a result of domestic conflicts the effects of which may well extend beyond the state's own borders. The presence of a national identity is not an accepted fact, something that is simply called into being when a new state is proclaimed. Rather, it is something which must develop in the course of time. And if the creation of nations may be regarded as a gradual process, the same is true of the creation of states. A nation may be said to exist if both the governing powers and the governed, representing a range of different social strata and geographical regions within one and the same state, have come to accept one another to such a degree that they are obliged to take account of each other's presence and a political community is formed. A state may be said to exist if the political community is organised such that there is a central authority which is able to effectively exercise a legitimate right to the use of the force. Countries may differ from one another in terms of the degree of refinement of their statehood and nationhood, which means that there will also be differences in their relative cohesion and stability.

The formation of a state or a nation may be an unplanned social process; equally, it may be the result of a deliberate political choice. As long as power is distributed very unequally and the central state monopolies are in the hands of one particular governing elite, clan or population group, the state is as stable as its prison walls are thick. Violence is more or less inevitable as long as there is any possibility of escape. If the government has not succeeded in establishing sufficient authority and does not have the means to assert its power throughout its territory, the result is an unstable political situation in which the import and presence of arms, light arms in particular, can easily lead to their actual use. The weaker the government, the more likely that the borders will be porous and hence that there will be a flourishing illicit arms trade, often stimulated by corruption among government officials. Those opposition groups which are able to arm themselves will then decide to seek a confrontation and try to impose their will on an increasing number of citizens. Immediate financial gain often plays an important role in this process as they wish to establish authority. If the government is not able to offer any protection, both individual citizens and entire communities will in turn buy arms as a means of protecting themselves. The cycle is complete if the government then uses armed forces and/or mercenaries to re-establish (or, as the case may be, to establish) its authority. The fact that there are no opportunities for economic growth in such situations serves only to intensify the struggle for the scarce means of existence.

This is a worst-case scenario. Fortunately, most new states have reached a more advanced stage of development. There are three vital aspects in this connection:

- (a) there may be some form of continuity between post-colonial states and the dynastic states that existed prior to the colonial period (e.g. in Vietnam, Egypt, Turkey and China);
- (b) the development of colonial states may provide a reasonably firm base for post-colonial states (as was the case in India and Indonesia);
- (c) a national liberation movement that embraced all sectors of the population may have left its mark on the post-colonial state.

If these characteristics are either absent or only weak, the state will be fragile and the development of nationhood will be in an embryonic stage. This makes it easier to understand why sub-Saharan Africa has been so susceptible to the type of disintegration that has been discussed above. Other than in Asia, the first aspect is non-existent, the second aspect did not last long enough, and the African colonies gained their independence fairly easily (so the third aspect does not apply either).

While it is difficult to prevent the violent disintegration of states, atrocities may be committed on such a large scale as to make acquiescence morally reprehensible. Obviously, although the formation of states and nations may help to prevent conflicts, these effects are felt only in the long term. In any event, the formation of states and nations requires the presence of political and social coalitions which transcend factional interests and which seek to turn the state into an instrument guaranteeing security and an equitable distribution of resources among all the inhabitants of the country in question. This is consistent with the principle of good governance which is applied as part of the policy on development cooperation. There is a danger, however, that where support is given to the formation of a state (for example, by strengthening the police force or assisting the judicial system or the prison system), this may be tantamount to supporting a repressive regime. This is a familiar dilemma for those working in development cooperation, and one which

takes precedence over the need for arms control²⁰. Foreign involvement in 'failed states' should focus primarily on the creation of the right conditions for overcoming differences other than by the use of force. When looking at arms control in relation to light arms, it is impossible to ignore this wider political, social and economic context in which it operates. For this reason, light arms control should be anchored in a political framework. In the current policy setting, this type of approach is referred to as an *integrated approach*, i.e. a strategy that is aimed at reducing both the demand for light arms (i.e. by intervening in the political situation) and the supply and availability of such arms (i.e. by undertaking arms control).

At first sight, light arms would appear to be used exclusively in Third World countries and regions. The result is that the industrialised nations find themselves facing terrible humanitarian dilemmas. As an additional factor, the revolutionary changes which took place in Europe between 1989 and 1991 have seriously weakened the way in which a number of European countries manage the production of and trade in armaments, and light arms in particular. This has given a strong boost to the illicit trade in light arms, where links have also begun to develop with global crime and terrorism. It is as a result of the same changes that domestic conflicts have broken out in Europe in which light arms have been used (and in some cases are still being used). In other words, the light arms issue is a truly global problem and an effective solution cannot be found without international cooperation.

III.3 LIGHT ARMS

As has already been mentioned in Section I.2.2.3, various bodies, with the United Nations at the forefront, have sought to highlight the light arms issue. The United Nations has established an expert panel to this end, which reported in August 1997²¹. The report sets out a large number of recommendations for the UN member states and their governments. Just recently, the UN decided to set up a group of interested states to discuss, under the chairmanship of the Secretary-General, measures for restricting the availability and use of light arms. The UN has now also succeeded in arousing the interest of non-governmental organisations, who will undoubtedly be inspired by the political dynamism which their input gave to the successful anti-land mines campaign.

Light arms form a special category of conventional weapons. They are weapons which can be carried and used by individuals or mounted on light, non-military vehicles. They are generally not very sophisticated, easy to use, require little maintenance and are relatively simple to transport and obtain. The term 'light arms' includes bazookas, portable mortars, portable anti-aircraft missiles, mines, hand grenades, machine guns, rifles (including automatic rifles), carbines and ammunition²². Ever since the genocide in

20 See the policy documents entitled *Een wereld in geschil* ('A world in conflict') and *Humanitaire hulp tussen conflict en ontwikkeling* ('Humanitarian aid between conflict and development'), both of which were published by the Ministry of Foreign Affairs in 1993 (Voorlichtingsdienst Ontwikkelingssamenwerking, The Hague, Sdu).

21 *Report of the Panel of Governmental Experts on Small Arms*, document A/52/298, 27 August 1997.

22 See Henry J. Van der Graaf (1995) for this list. *Proliferatie van lichte wapens: een verloren strijd?* ('Proliferation of light arms: a lost battle?') (Transaktie, vol. 24, No. 3), p. 326. Generally speaking, a distinction is made between 'small arms' and 'light weapons'; the former are machine guns, rifles (including automatic rifles), etc., whilst the latter consist of mortars, anti-aircraft missiles, etc. In this report, the term 'light arms' is used to refer to all these types of weapons.

Rwanda showed what they could do, machetes, spears and clubs have also been regarded as types of light arms. The vast majority of light arms are not covered by any international conventions or agreements. This is not the case with certain types of munition (i.e. dum-dum bullets), which are included in the 1980 Conventional Arms Treaty, as well as anti-personnel mines, which fall under the Ottawa Land Mine Convention of December 1997.

One of the factors affecting the availability of light arms is the trade in new arms. This is the familiar pattern of production and supply to customers (i.e. export), characterised by the tendency for light arms to be produced in an ever larger number of countries. More important, however, is the way in which light arms circulate. In many cases, they are transferred from one hotbed of conflict to another by those trading in used weapons. Such transactions can be highly profitable for the traders. It is a trade which is difficult to contain, however, given that there are a large number of traders and a large part, if not all, of the transactions are concentrated on the black market. Domestic production, overhauls of existing arms, legal imports, illicit trafficking and stocks of used light arms are all sources that can be used to meet the demand for light arms. In addition, thefts of weapons from government stocks can be a profitable source of light arms for non-state actors²³.

Light arms control differs from other forms of arms control in the following ways:

- 1 It is not possible to eliminate light arms in their entirety, as has happened, for example, with certain categories of weapons of mass destruction. Light arms form far too disparate a group of weapons for this to be practicable. Ceilings and confidence-building measures are also hardly ever used, because the ownership of light arms is far too widespread. What is feasible is to try and place restrictions on those types of weapons which cause an unacceptable degree of suffering or which are regarded as being the most destabilising. The Ottawa Convention on anti-personnel mines is a good example of the elimination of a particular category of weapon on account of the suffering which it causes.
- 2 It is much more difficult to take steps to control the proliferation of this type of weapon than it is to take other arms control measures. This is not only due to the fact that countries hold large stocks of light arms, but is also a consequence of the thriving legal trade in new weapons, which are also produced by an increasing number of countries. Finally, there is also the question of the covert trade in light arms; taking action against this form of trade is akin to fighting crime.
- 3 Taking action would necessitate involving non-state actors in the arms control process. This could be seen as giving a political legitimacy to the non-state actors concerned and to the political goals which they are pursuing. This may present an additional political complication in securing some form of arms control, especially in 'failed states'.
- 4 Light arms are relatively small, which makes it hard to monitor the enforcement of agreements. Clearly, detecting and inspecting weapons which are relatively easy to hide is a process that requires a great deal of time, energy and manpower and is therefore extremely costly, particularly if the parties to the agreements are highly suspicious of each other. And, as is already indicated, there is plenty of mistrust, but money is in short supply.

23 Bonn International Center for Conversion (1996). *The New Field of Micro Disarmament*, pp. 14 & 15.

III.4 MEASURES FOR RESTRICTING THE AVAILABILITY AND USE OF LIGHT ARMS

III.4.1 General measures

The control of light arms is a field with its own specific requirements. This is due primarily to the nature of the weapons, which necessitates different measures from other forms of arms control. Secondly, arms control needs to be anchored in and consistent with 'wider' political action. In other words, there is a need for policy to be based on an 'integrated approach'²⁴. The arms control policy objectives are as follows:

- (a) restricting the availability, proliferation and use of light arms;
- (b) helping to restore (either domestic or regional) security and order by disarming and demobilising combatants and by promoting their reintegration into society;
- (c) helping to create the political and social conditions which are needed in order to overcome differences by the use of means other than force (inter alia by institution-building)²⁵.

The emphasis in this report on conventional arms control is on (a), i.e. restricting the availability, proliferation and use of light arms. One of the ways of achieving this aim is by collecting and storing weapons, and by programmes for buying up and destroying weapons. It should be pointed out, however, that the United Nations does not have enough funds at its disposal to allow it to buy up arms. UN officials have estimated that some 60% of the arsenal of light arms could be taken out of circulation by programmes for buying up and collecting weapons. In some cases, the countries involved have set up national committees and given these the job of supervising the collection and management of weapons. The objective is to improve coordination and to encourage the police, the customs authorities and the army to join forces in tackling the problem of illegal weapons. The main thrust of any help provided in this connection is intended to strengthen these three government organisations, each of which has a different job to perform in the field of internal and external security.

The AIV would like to see a further strengthening of this form of aid from the Netherlands, the objective being to achieve maximum cooperation between the Ministry for Development Cooperation, the Ministry of the Interior and the Ministry of Defence. As far as arms control is concerned, the emphasis should be placed, in those cases in which the state structures need strengthening, on providing assistance in the training of senior army, police and customs officers, with special attention paid to the inculcation of a professional attitude. Training programmes should not only meet professional requirements, but should also allow time to be spent on human rights issues and the principles of the constitutional state. Such assistance should be provided only on condition that the army, police and customs authorities are brought under civilian control and are required

24 In his speech to the Second Committee of the UN General Assembly in October 1996, Minister for Development Cooperation Pronk discussed in considerable detail the assistance that can be provided to societies that have been disrupted by war and crises. He argued for the integration of preventive diplomacy, political mediation and humanitarian aid with social action, economic alternatives and cultural communication. Although there is widespread support for this integrated approach, it does have its drawbacks. These are manifest in relation to arms control, and also when humanitarian aid is provided. The AIV will be examining the problems surrounding this approach and the way it could be put into effect, in a report on humanitarian relief which it will be publishing later this year.

25 For a comparable approach, also focusing on demobilisation and reintegration, see: Development Assistance Committee (1997): DAC Guidelines on Conflict, Peace and Development Cooperation (Paris, OECD/OCDE).

to be genuinely accountable to the civilian authorities. Strengthening these institutions can help to reduce the illegal production and smuggling of light arms. The next step could be the provision of support to regional, cross-border cooperation between the army, the police and the customs authorities of the countries involved, with the aim of combining forces to this end.

Reintegration programmes should offer current and former members of armed forces an alternative to their way of life as armed combatants. It is vital that assistance should be provided in the form of economic and educational support as the only alternatives will otherwise be unemployment and poverty. At an individual level, membership of an armed group and the associated possession of arms constitutes a source of income (from the unregulated collection of tolls, robbery and plundering) which the individual concerned is unlikely to give up readily of his own accord. This is particularly true if, as happened in Angola, the United Nations has not got the funds to fully implement its demobilisation and reintegration programmes. Cutting short such programmes may have tragic consequences for those affected²⁶.

Even in those situations in which a political solution would appear to be within reach, problems concerning arms control and disarmament may nonetheless cause insurmountable complications. Because of the weakness of the government, weapons remain an attractive instrument with which opposition groups can exercise power, which means that they will be reluctant to surrender them. Here, an integrated approach can help to create the conditions which are needed to persuade such groups to hand in their weapons to a neutral intermediary.

III.4.2 Reducing the number of light arms

Generally speaking, the Dutch government supports the efforts made by the United Nations to contain the proliferation of light arms. The activities performed by the UN in this connection are funded *inter alia* from the development cooperation budget, and the Ministry of Defence supplies specialist personnel (who are deployed principally for teaching techniques for clearing minefields). In addition, it was at the instigation of the Dutch government that the European Union adopted a programme aimed at preventing and combating the illicit trade in conventional arms. *It is important to continue developing this programme, preferably so that the agreements made are of a legally binding nature, and to ensure that the programme involves not only the second pillar of the European Union (i.e. the common foreign and security policy) but also the pillar for internal affairs and justice. Against this background, the AIV also urges the Dutch government to set up a national committee whose task it should be to ensure that the Netherlands is neither the source of nor a point of transit for an illicit trade in conventional arms. The members of the committee should include in any event representatives from the Internal Security Service (Ministry of the Interior), the Military Intelligence Service (Ministry of Defence), the Central Criminal Information Department (Ministry of Justice), the Customs Directorate (Ministry of Finance), the Economic Investigation Service, the Ministry of Economic Affairs and the Ministry of Foreign Affairs. The committee's task would initially be to exchange general information and ultimately to exchange information of an operational nature, and also to coordinate the Dutch standpoint in international consultations, including within the European Union.*

26 This is basically what happened in Somalia, where 'the entire program had the effect of punishing those compliant segments of the population, some of whom fell victim to gangs because they had been dispossessed of their weapons'. Clement Adibe (1995), *Managing Arms in Peace Processes: Somalia*. Geneva, United Nations Institute for Disarmament Research, pp. 104-105.

The Dutch government should continue to support the activities performed by the United Nations (i.e. collecting, storing and, where the parties agree to this, destroying light arms, as well as demobilising former combatants and reintegrating them in society). The Dutch government can also help to ensure that these activities continue to receive sufficient political attention, and thus prevent situations from arising in which the United Nations is unable to fully implement such programmes because of a lack of funds, as has happened on a number of occasions in the recent past.

The AIV believes that it is worth examining the opportunities for including the production of and trade in light arms under the scope of existing agreements and mechanisms in relation to conventional arms control and export controls. This would require considerable preparatory work, and political resistance would also have to be overcome. For this reason, the AIV recommends that the issue of light arms control be discussed in the Conference on Disarmament (CD) in Geneva. Particularly now that it has been decided that the CD should address the question of anti-personnel mines (see below), it would seem logical to broaden the debate to include the whole range of light arms²⁷. The members of the CD should discuss which of the existing mechanisms and agreements should be extended to include light arms. The UN Register of Conventional Arms and the Wassenaar Arrangement, both of which are examined later on in this report, would appear to be best suited for this purpose. They are working well at the moment and offer potential for further development. However, were any attempt to be made straightaway to extend their scope to cover light arms, this might well jeopardise the success of the UN-arms register and the Wassenaar Arrangement. For this reason, the AIV is in favour of the necessary political and diplomatic groundwork first being performed in the CD before such action is taken.

Restricting the proliferation of and trade in light arms is unlikely to prove a process which can be completed at short notice. There are simply too many weapons in circulation for this to be a feasible proposition. In most cases, very little is known about the origins of these weapons, especially as the trade in used light arms is so widespread. *The AIV proposes that research be performed in the Netherlands with the aim of ascertaining whether it would be technically feasible to fit new light arms with an identifying mark showing where they were produced. This is necessary in order to enable a practicable and reliable system for registering exports and verifying other agreements to be introduced in the future. The study should also look at the question of how a data base could be set up.* Clearly, this approach does not offer any solution to the problem of the large quantities of used light arms which are in circulation at present. It would, however, be possible to study the technical possibilities for fitting used arms with an identifying mark or sign, as this could then be done in those situations in which the United Nations or other bodies collect light arms. The existence of a reliable system of registration could help to encourage the combatants to hand in their weapons to an intermediary.

One method of restricting the use of light arms would perhaps be by limiting the supply of ammunition for such weapons. Unlike the weapons themselves, ammunition can only be used once, and in this sense ammunition is the fuel which drives the wars in which light arms are widely used. Moreover, reliable ammunition cannot be produced without a certain amount of industrial capacity; it would seem in any event that a larger capacity is

²⁷ The AIV is aware that negotiations in the CD are going through a difficult phase at the moment. Nevertheless, it would appear to be the ideal forum for discussing the political feasibility of taking action in relation to light arms. There is no reason why progress should necessarily be impeded by the fact that certain countries have sought to link the negotiations with the results obtained in the field of nuclear disarmament (as a means of placing pressure on the other members of the CD).

needed than is required for the production of light arms. According to Jane's Ammunition Handbook, there are 170 manufacturers of ammunition, 25 of which are located in developing countries²⁸. (Countries such as China, India and Indonesia are regarded for this purpose as being developing countries.) It is worth bearing in mind that these 170 manufacturers produce an extremely wide range of ammunition for light arms. There is an additional problem in that quantitative data on current stocks of ammunition need to be available before any judgement can be made on whether or not it is possible to limit the supply of ammunition for light arms. The information available in the public domain is not adequate for this purpose, and it is generally difficult to obtain data on the production and use of ammunition. *For this reason, the AIV does not wish to make any specific policy recommendations in this connection; it does, however, request the Dutch government to undertake a study into the opportunities for restricting the use of light arms by limiting the supply of ammunition.*

III.4.3 The ban on anti-personnel mines

The Ottawa Land Mine Convention, which was signed in December 1997, is a unique example of light arms control. This treaty contains a ban on the production, possession, use, resale and export of anti-personnel mines. Building on the campaign against the use of anti-personnel mines that was initiated by a number of non-governmental organisations, the Canadian government called upon the global community in October 1996 to proclaim a worldwide ban. The Ottawa Land Mine Convention is the result of just eighteen months' work. A knowledge both of the suffering which these weapons inflict on civilians and of the rate at which this humanitarian problem has grown in recent years was sufficient to convince both governments and NGOs that urgent action was required. Despite the combined efforts of the United Nations and individual states such as the Netherlands, and the help of NGOs, anti-personnel mines are still being laid faster than they are being cleared. This fact gave the talks an urgency which helped to encourage over 100 countries to take part and also helped to form a broad consensus on the need for a ban on anti-personnel mines. Unfortunately, a number of key producers of anti-personnel mines failed to sign the Ottawa Convention, including the Russian Federation, China and the United States (although it should be noted that the US government has observed a moratorium on the export of anti-personnel mines since 1992). Another problem is that the treaty makes no provision for non-state signatories, even though it is accepted that there are plenty of non-state actors among the users of anti-personnel mines.

Australia has suggested placing a ban on the export of anti-personnel mines on the agenda at the CD. The Dutch government has not responded very enthusiastically to this proposal, however, because of concerns that the outcome of the talks at the CD will undermine the agreements laid down in the Ottawa Land Mine Convention. This is indeed a genuine risk, unless the CD accepts the a worldwide ban on anti-personnel mines (as agreed under the Ottawa Land Mine Convention) as its ultimate aim.

The AIV believes that it would be desirable for those countries in particular which have made a positive contribution to diminishing the use of anti-personnel mines to become part of the Ottawa process in one way or another, without this weakening the nature of the agreement reached, i.e. a total ban on anti-personnel mines. One of the ways of achieving this would be by allowing the countries in question, including the United States, to append

²⁸ This figure is based on the 'Manufacturers index' in *Jane's Ammunition Handbook 1997-1998* (London, 1997), pp. 587-594; see also Terry J. Gander (1997), *Jane's Infantry Weapons 1997-1998* (Coulsdon, UK/Alexandria, UK), pp. 437 ff. The Sipri annual handbook contains very little information on ammunition; see, for example, the 1982 Sipri handbook, pp. 447-453.

unilateral statements to the Ottawa Land Mine Convention. This would enable the scope of the treaty to be broadened while overcoming political differences at the same time. *The AIV urges the Dutch government to argue in favour of this possibility in international fora. In addition, the AIV would like to go one step further and urges the Dutch government, as set out above, to do its utmost to ensure that the CD addresses not simply the issue of anti-personnel mines, but the entire complex of problems surrounding light arms in general.*

IV ARMS EXPORTS AND EXPORT CONTROLS

IV.1 ARMS EXPORTS: GENERAL

Over 20 billion dollars were spent on the international market for conventional arms in 1996. The United States is the largest exporter of conventional arms, followed by the Russian Federation and France²⁹. Sales of conventional arms fell by about 50% in the first half of the 1990s compared with the mid-1980s. A great deal of production capacity has been idle since the end of the Cold War, and large quantities of unwanted stocks of weapons, many of them obsolete, have come onto the market. This has led to extremely fierce competition in the marketplace, making it more difficult to subject arms exports and sales to restrictions. After all, buyers have a wide variety of options at their disposal. Thanks to the keen competition between arms exporters, the importers now hold all the trumps when it comes to deciding which firms and which countries to favour. Turkey is a good illustration of how this works. The Turkish government has drawn up three different lists of countries: those from whom it is prepared to buy arms, those from whom it would prefer not to buy any arms, and those from whom it would on no account buy any arms. Asia and the Middle East are key regions for arms imports at the moment, with China, South Korea, Kuwait, Taiwan and Saudi Arabia together accounting for almost half of all imports into the two regions. It is worth remembering, however, that the economic crisis in East Asia is likely to put a brake on the demand for arms in the region. This will have an adverse effect on the defence industry in general, and on US arms manufacturers in particular.

Although, arms exports account only for a small proportion of GNP in most of the countries in question, it goes without saying that such exports are of tremendous commercial importance to the exporting firms themselves. Moreover, their importance is tending to increase in comparison with sales on the domestic market. The defence industry has been undergoing a process of reorganisation and rationalisation in recent years, with developments proceeding more rapidly in the United States than in Europe. There is a very marked trend towards concentration, and a series of mergers and acquisitions (either of whole firms or of individual defence divisions) has left the market dominated by a small number of very large players. In the United States, the government has provided funding to assist the process of concentration, which has resulted in the emergence of four conglomerates as market leaders (viz. Boeing, Lockheed Martin, Raytheon and Northrop Grumman), each of which is many times bigger than the other firms operating in the sector. These large concerns and conglomerates produce integrated weapon systems. Interestingly, there has been no sign of the same amalgamation process occurring in another part of the defence sector, viz. the supply of advanced technology and electronics. This is a dynamic market populated mainly by small firms supplying components for weapon systems.

In Europe, the reorganisation of the defence industry has been proceeding at a much slower pace. To date, firms have appeared to focus their strategies on acquiring the largest possible share of a contracting market. The plans recently announced by three (later extended to six) European countries for the creation of a European aviation consortium are an indicator of what the future is likely to bring for the European defence industry, as it has been suggested in certain quarters that the consortium should be

29 The figures quoted in this chapter are taken from the 1997 Sipri handbook, pp. 239 and 240, Table 8.1 (p. 241), p. 244, Table 8.4 (p. 247), and pp. 251, 267 and 274.

expanded at a later stage to include defence production³⁰. Governments have every reason for restructuring their defence industries. After all, it is difficult to retain strategically important expertise in the face of a decline in demand for the defence industry's products (for which exports alone are not sufficient compensation). Falling defence spending in Europe has intensified competition for export orders among firms in the European Union.

In addition to economic developments, the market for conventional weapons is also characterised by political developments which have affected arms export policies. First of all, a number of regions are trying to regulate arms imports. Thailand and the Philippines, for example, have called for greater transparency in arms imports in the region. ASEAN has set up a regional register of arms (which, unfortunately, does not appear to have been successful). In June 1997, the General Assembly of the Organisation of African States called for the institution of a system under which advance notice would have to be given of the supply of any weapon systems which are subject to the reporting requirements relating to the UN arms register. At a conference held in Bamako in November 1996, a group of West African states (i.e. Mali, Chad, Burkina-Faso, Côte d'Ivoire, Mauritania, Niger and Senegal) declared their intention of initiating a form of security cooperation, *inter alia* in relation to imports and mutual sales of arms, including light arms. The harmonisation of legislation and the establishment of a sub-regional register of arms were cited as being the tools which would need to be used in the future for regulating arms transactions. In 1995, the Central American states signed a 'Treaty for Democratic Security', which is intended, among other things, to limit and control the distribution of arms. A number of the agreements made were fleshed out in 1997, in the form of the 'Convention against Illegal Weapons' concluded by the Organisation of American States.

The unilateral restrictions on sales of weapon systems to Latin America which the United States has observed constitute something of a special case. In the 1970s, the Carter administration imposed a ban on sales of certain equipment, including supersonic combat aircraft, to buyers in this region. One of the key factors underlying this decision was the human rights situation, which was causing a great deal of concern at the time. The United States did not wish to be the first supplier of advanced technology to this region. These unilateral US restrictions were lifted by the Clinton administration in 1997 as a means of facilitating sales of advanced combat aircraft.

IV.2 DUTCH ARMS EXPORTS POLICY

The Dutch government's policy on arms exports is a cautious one. At the beginning of the 1990s, the EU member states, the Netherlands among them, formulated a list of eight criteria which arms exports were required to meet³¹. These criteria apply both to sales of arms by the private sector and to the disposal of unwanted military equipment by the

30 On 9 December 1997, the leaders of the three main European powers announced that they would be working towards the creation of a European aviation group consisting of British Aerospace, Farnborough, Daimler-Benz Aerospace and Aerospatiale. The new group would be responsible for Airbus production, and the Italian, Spanish and Swedish aviation industries would be incorporated in the group in a second round of mergers. It has been suggested that the group should also include military production. The French Minister of Defence, Alain Richard, has said that this should create further opportunities for harmonising arms exports by the participating countries in the future. *Defense News* 15-21, Dec. 1997, 20.

31 The eight criteria governing the policy on arms exports are as follows: (1) observance by the EU member states of their international obligations, notably sanctions adopted by the UN Security Council and/or the →

Ministry of Defence. Although the volume of Dutch arms exports is relatively modest compared with other countries, it is nevertheless large enough for the Netherlands to be ranked in the 1990s by Sipri as one of the top ten arms exporting countries³². To date, arms exports in the latter half of the 1990s have generated revenue of less than one billion guilders a year. The main weapons and components exported by the Netherlands are naval vessels, radar and fire-control equipment, ammunition and night vision sights³³ (this is discounting Fokker aircraft which have been specially refitted for military use). Dutch arms manufacturers have obviously succeeded in expanding their markets in the 1990s, as they are supplying arms to an ever increasing number of countries.

The political decision-making procedure in the Netherlands with regard to the supply of arms by private-sector firms revolves around the issue of export licences by the Minister of Economic Affairs. In the majority of cases, the Minister for Foreign Affairs assesses whether applications for export licences meet the EU criteria as referred to above. Where necessary, the Minister for Foreign Affairs consults the Minister for Development Cooperation, particularly if the recipient country is a country with which the Netherlands has a close development cooperation relationship or if it is one of the less developed countries (i.e. one of the countries on the DAC list). The Minister of Defence may be asked to assess the security aspects; his or her prime consideration is whether the transaction is likely to be detrimental to Dutch defence interests. Finally, the Minister of Economic Affairs gives his or her appraisal of the economic interests. In practice, the final decision as to whether to issue a licence depends on the political judgement of the Minister for Foreign Affairs. 'End-user statements' are used as a means of preventing an undesired transit trade in weapons or components supplied by Dutch firms or the Dutch government.

Under a private member's bill passed by the Lower House of Parliament on 19 December 1996, the Dutch government is obliged to inform the Lower House every six months of the aggregate value of the licences it has issued, broken down into two categories, viz. NATO member states and other countries. The government has also expressed its willingness to provide the House with more detailed, information on individual transactions, although such information is to remain confidential.

European Union, the non-proliferation treaty and other treaties, as well as any other international obligations; (2) respect to be shown for human rights by the country of final destination; (3) the situation in the country of final destination, particularly in the light of any tensions or armed domestic conflicts; (4) the maintenance of peace, security and stability in the region; (5) the national security of the member states or of those areas whose foreign relations are the responsibility of one of the member states, as well as the national security of allies and other friendly nations; (6) the behaviour of the country of final destination towards the international community, and in particular its attitude to terrorism, the nature of its international alliances and the respect shown for international law; (7) the risk of the goods' actual final destination being other than that originally quoted, irrespective of whether the actual final destination is located in the country in question or whether the goods are transferred by means of undesirable re-exportation to a final destination in another country; (8) the compatibility of the arms exports with the technical and financial capacity of the recipient country, bearing in mind the desirability of the principle that states should devote a minimum of human and financial resources to the procurement of armaments in order to satisfy their own legitimate security requirements.

32 1997 Sipri handbook, p. 268, Table 9.1.

33 See Ko Colijn (1997), *Vechtend op de Wereldmarkt: In- en uitvoer van wapens door Nederland in de jaren negentig* ('Fighting on the world market: Dutch arms imports and exports in the 1990s'). In: Wil Hout and Monika Sie Dhian Ho, *Aanpassing onder druk* ('Adaptation under pressure'). Assen, Van Gorcum, pp. 148-164.

In recent years, the Dutch government has itself also played the role of arms supplier, dealing with both other governments and private-sector firms³⁴. The Ministry of Defence budget makes allowance for revenue earned from disposals of unwanted military equipment. Among the items sold off from excess stocks are frigates, tanks, armoured vehicles and howitzers. The Lower House is generally given advance notice on a confidential basis when the government is planning to remove items of military equipment from stocks for the purpose of selling them. Once it is clear that Parliament has no objections, the sale may proceed. It was agreed at the end of 1997 that the State Secretary for Defence, who is responsible on behalf of the government, would consult the Minister for Development Cooperation whenever catalogues listing superfluous defence equipment were offered to developing countries. The Minister for Development Cooperation wishes to prevent unwanted weapons from being sold to developing countries whose defence spending is excessively high. The Minister for Development Cooperation feels he is supported in this respect by a motion tabled in Parliament by the 'Green Left' party, under which catalogues listing superfluous items of military equipment may not be offered to developing countries whose defence budget accounts for more than 4.5% of GNP³⁵.

The AIV wishes to make the following comments in the light of the debate on this issue, both in the Lower House and between the Lower House and the government:

- Should a particular percentage be used as a reference in assessing whether defence spending in developing countries is too high, care should be taken not to award such a figure any permanent official status. In addition to the question of the proportion of resources in the country in question which are taken up by defence spending, the other criteria of the European Union should also continue to be applied. Moreover, an assessment should also be made of the impact of any sale on security policy, with account being taken both of the international political situation and of the security and defence policies of the country in question;*
- Once it has been decided (regardless of whether or not a percentage figure has been used as a reference) that defence spending in a given country is unacceptably high, the consequences of this decision should not be restricted simply to the export of arms (and components) from the Netherlands. Such a decision should also have a practical impact on development cooperation ties, more so than has been the custom to date. One of the features of the government's recent review of foreign policy has been the removal of the Chinese walls standing between the various aspects of policy. The AIV urges the Dutch government, where the need arises, to adopt an integrated approach to relations with the country in question.*

In recent years, the government has been meeting the financial targets set for sales of superfluous military equipment as stated in the defence budget. Because it is entitled to

34 See Defence Priorities Review (Lower House, 1992-1993 session, 22 975, No. 2), Ch. VI, pp. 63 and 64.

35 Curiously enough, it is frequently assumed, when the issue of arms exports is being debated (as in the exchange between a Green Left member of parliament and the Minister for Development Cooperation), that there is an international standard for military expenditure. Our enquiries have not, however, revealed the existence of any formal standard. Although the Director of the IMF, Mr Camdessus, quoted a figure of 4.5% of GNP in a speech which he made in 1991, he used it simply to exemplify the notional value of the peace dividend which might be earned in favourable international political conditions. For the motion and the statements made by the Minister for Development Cooperation, see the debate on the development cooperation budget (Proceedings of the Lower House, 11 December 1997, 36-2879 and 36-2888).

approve the budget, the Lower House has more say over the disposal of such equipment than over other arms exports. The equipment offered for sale includes light arms. If it proves impossible to find acceptable buyers for these arms (generally on account of a failure to meet the arms export criteria, which by definition also apply to the disposal of unwanted defence equipment), they are destroyed in due course. In the wake of the Dutch government's decision to cancel the planned sale of lorries and Land Rovers to the ruling regime in Zaire in the summer of 1997, the government is currently examining the possibility of introducing a scheme under which the Lower House would also be notified of any plans to sell such equipment (i.e. in addition to the equipment for which there is already an obligation to notify the Lower House).

Dutch arms exports are of limited economic significance. Consequently, some people would like to see the Dutch defence industry scrapped, on the grounds that the weapons in question could be used in a way that is incompatible with values and opinions prevailing in Dutch society³⁶. Although the abolition of the Dutch defence industry could provide the government with the political leeway for arguing in international fora in favour of a highly restrictive arms export policy, it would at the same time weaken the authority of the Dutch standpoint (and would of course preclude the possibility of pursuing any distinctive national policy on arms exports). Moreover, the Netherlands has an advanced defence industry and a number of eminent research institutions in which highly sophisticated technology is developed and used. Both for strategic reasons and on account of the country's own defence requirements, it is important not to let these firms and institutions disappear and to continue to play a role in international developments in this field. As an additional factor, there will also be a 'grey area' on account of the sale of dual-use goods and technology, which will make it very hard to get rid of the entire defence industry and the complicated decision-making that goes with it.

For the time being, therefore, the Netherlands has a defence industry for which it has formulated an appropriate export policy. The criteria on which the export policy is based have been laid down at a European level and provide the margins within which the Dutch defence industry operates³⁷. *The AIV believes that these EU criteria are sufficient to enable the Netherlands to pursue an ethically sound and cautious export policy. One means of tightening the arms export policy further would be by agreeing on a uniform interpretation of the EU criteria. In addition, the AIV urges the Dutch government to issue licences for the export of arms and components for arms only if the country of destination is a participant in the UN Register of Conventional Arms. (This register is discussed in Chapter V. The aim of the register is to increase the transparency of arms imports and exports. Chapter V also contains a number of proposals for improving the register, some of which are linked to the present recommendation.) Such a measure would increase the*

36 The leader of the VVD (liberal) party, Mr Bolkestein, has been quoted in an interview as saying: "The best thing to do would be to phase out our defence industry, or what is left of it. It is an industrial sector whose fortunes tend to fluctuate dramatically, and of which I am highly critical." The following argument is given for this standpoint earlier on in the interview: "The exporting country has got to prove that weapons are not used for immoral purposes." *Onze Wereld* ('Our World'), November 1997, p. 37. See also the statements made by the Minister for Development Cooperation, Mr Pronk, in *Internationale Samenwerking* ('International Cooperation'), No. 3, March 1998: "My view is that the Dutch should not produce any arms, and we shouldn't export them either."

37 See in this connection *De rechten van de mens en de internationale betrekkingen* ('Human rights and international relations'), Report 12 of the Advisory Committee on Human Rights in Foreign Policy (The Hague, 1991), Section 4, point 6.

transparency of Dutch policy, would give added credibility to the Dutch argument for transparency in the fields of arms control and export controls, and could also help encourage countries to participate in the UN Register of Conventional Arms. In the longer term, this measure could also be embedded in an international framework, the most appropriate channel being its establishment as a ninth EU criterion.

IV.3 THE EUROPEAN UNION

The European Union has only limited powers in the field of arms exports. Under Article 223 of the EC Treaty, the production of and trade in arms, ammunition and defence equipment are excluded from the scope of the treaty. This means that the production of and trade in arms is primarily an issue for the member states themselves, and not for the European Union. In the early 1990s, a number of countries, including the Netherlands, called for the amendment of this article, unfortunately to no avail. Given that there was insufficient support for amending the article, it seems reasonable to assume that Article 223 will continue in operation for the time being.

At the beginning of 1998, the United Kingdom, as acting president of the European Union, proposed the adoption of a code of conduct for arms exports within the European Union³⁸. The code is designed to reduce the margin of interpretation applying to the criteria. The idea is that European countries will inform each other about any export licence applications which they have turned down, with the aim of preventing a situation from arising in which a member state grants an application which has previously been rejected by another member state (a situation referred to as 'undercutting'). The rationale behind the proposal is that this would result in a more uniform interpretation of the eight arms export criteria. Premier Jospin of France, a country which has traditionally been among those countries which have opposed any EU arms export policy, did not comment unfavourably on the British proposal. The reason for the apparent change in the attitude of the French is most probably the growing need for cooperation among the defence industries of the EU member states: the British code of conduct on arms exports is a form of policy harmonisation which also paves the way towards cooperation among manufacturers. *The AIV urges the government to continue to support the proposal made by the UK presidency, and to do its utmost in the consultative process to ensure that the European Union reaches substantive agreement on arms exports.*

The strengthening of EU policy on exports of conventional arms is an issue that can be approached from a dual perspective, i.e. from the perspective of foreign policy and from the perspective of trade and competition policy. In the former case, it would seem logical to award a key role to the Common Foreign and Security Policy (CFSP). In the latter case, the European Commission undoubtedly has a prominent role to play, although the AIV is aware that a large number of member states may have strong objections to this, precisely because of the exception made in Article 223 of the EC Treaty.

38 What follows is based on a speech made by Mr Tony Lloyd, Foreign and Commonwealth Minister of State, on 9 June 1997, as well as on a number of commentaries which appeared in the press, such as 'Un doigt de morale dans les ventes d'armes', *Libération*, 19 January 1998; 'EU/Arms: Draft Code of Conduct on Arms Exports is Diffused as British Presidency Initiative'. *Agence Europe*, 4 February 1998; 'Aid Agencies say Cook arms code is sham'. *Times*, 16 February 1998; 'EU arms trade proposal "will not block exports to repressive regimes"'. *Guardian*, 18 February 1998.

IV.3.1 THE COMMON FOREIGN AND SECURITY POLICY (CFSP)

With negotiations now under way on a code of conduct for arms exports in the European Union, the AIV wishes to propose a number of concrete measures which it believes will supplement and strengthen the British initiative. These measures follow from the decision taken by the European Council in Edinburgh, in December 1992, to designate arms exports as a joint action area³⁹. The measures are based on activities on which agreement has already been reached within the European Union:

- Within the context of the Euromediterranean conference held in Barcelona in 1995, the entire Mediterranean area was designated as a joint action area under the CFSP. Among the goals mentioned in this connection were the elimination of weapons of mass destruction and the need to reduce the high level of armament in the region. The latter point in particular offers opportunities for highlighting the policy on arms exports from EU member states to this region, with the ultimate aim of formulating a region-specific policy;
- In 1996, the Maghreb was designated as a common interest area under the CFSP. The idea is for EU member states to harmonise their national policies with the common EU policy. In the light of the region's status as a common interest area, it is reasonable to expect consultations to take place on arms sales in the framework of the CFSP;
- In June 1997, the General Council of the European Union formulated a common standpoint on conflict prevention and resolution in Africa, calling *inter alia* for member states to exercise vigilance with regard to arms exports to Africa. The AIV is in favour of joint action based on the sub-division of the continent into 'sub-regions' (e.g. the Great Lakes, West Africa, Southern Africa, etc.), with a common arms export policy being formulated specifically for each individual sub-region.

The attempt to develop a common policy on regions and sub-regions represents a means of testing the criteria of the European Union against the actual practice of arms exports. These small but practical steps offer the member states an opportunity to develop a common interpretation of the criteria. If it indeed proves possible to develop such a common interpretation, this will help to harmonise the EU member states' arms export policies. For this reason, the AIV recommends using this type of region-specific policy to develop a common interpretation of the criteria. This region-specific policy can also help to promote a political dialogue between exporting and importing countries.

The only talks on arms exports that are held with the United States are those in the framework of multilateral regimes. This is not enough. Private-sector competition has now become the dominant factor in this arena. An effective arms export policy would appear to require the harmonisation of policy across the board. *The AIV is therefore in favour of the inclusion of arms exports on the transatlantic agenda; the two principal objectives formu-*

³⁹ It is worth mentioning in passing that the Treaty of Amsterdam contains a clause which has the effect of bringing cooperation in relation to armaments under the scope of the CFSP. So far, the clause has apparently been interpreted as relating solely to arms imports and not to exports. Nevertheless, its wording is such that it could also be interpreted in a wider sense. The clause reads as follows: 'The gradual definition of a common defence policy shall, if the member states deem fit, be supported by their cooperation in the field of armaments'. Treaty of Amsterdam, Title V, Article J.7, paragraph 1 (fourth clause).

lated in December 1995, i.e. promoting peace, stability, democracy and development, and contributing to closer economic ties, could provide the appropriate framework for this. This point is particularly important given that the boomerang effect discussed in Section 1.2.2.1 entails certain security risks which could affect relations with the United States. More specifically, there are good reasons for doubting whether the United States and the European countries will be able to maintain their present position of technological leadership in the future. For this reason, the AIV is in favour of taking joint action with the United States to strengthen controls on exports of conventional arms. Relations should focus much more on finding ways and means of preventing the further spread of high-tech conventional weapons, instead of on competing with each other for market share. The general criteria as set out in PDD 34, the most recent US policy document in the field of conventional arms exports, provide sufficient opportunities for putting this recommendation into effect. The first requirement, however, is for political dialogue on the trade in and export of conventional arms to take place between the EU member states and the United States, bearing in mind in particular that the two regions together account for more than 80% of sales on the world market.

IV.3.2 The European Commission

The European Commission is of the opinion that arms production and trade are community issues and therefore it is empowered to deal with issues in these fields. The European Commission bases this point of view on its formal responsibility for competition policy and its responsibility for European industrial policy. In this line of reasoning, the current policy differences between the European countries are simply market deficiencies, which makes them in practice equivalent to other issues of competition policy, such as company law, fiscal regimes or government procurement policies. The growing importance of dual-use goods (the European Commission's control over the trade in such goods has been acknowledged by the member states) will serve only to increase the influence of the European Commission. The Commission has tried to legitimate its point of view by pointing out that the production of and trade in defence equipment is eligible for various forms of support, for example in the form of the sponsorship of research programmes and subsidies granted to cross-border alliances between the defence industries of member states.

Against this background, the European Commission has taken an active interest in arms exports⁴⁰. First of all, the Commission has announced its intention of publishing a white paper on the development of a *Code of Practice*⁴¹ for conventional arms exports. This would appear to be in response to the British proposal for a code of conduct. The European Commission has adopted the standpoint some time ago that there is a need for harmonising export policy at the Union's external borders. Secondly, the European Commission has announced that it will provide financial support to cross-border mergers of firms operating in the defence industry, on condition that the governments of member states help to create the right conditions for this, *inter alia* by promoting the formulation of a common procurement policy, the creation of an internal defence market and the

40 The European Commission has set out its views on the defence industry in: Commission of the European Communities (1996), *Challenges for the European defence industry: a contribution to action at a European level*. COM (96) 10, 24 January. The recommendations made in January 1996 were included as definitive proposals in the Proposal on the defence industry published in November 1997.

41 Notice published by the European Commission, 12 November 1997, quoted in *European Report*, 15 November 1997, No. 2268, III, pp. 11-13.

formulation of a common policy on arms exports.

The European Commission has stepped up its efforts to incorporate arms export policy in the body of EU law. We shall have to wait and see whether the Commission is successful in this respect. *The AIV urges the Netherlands government to support the efforts of the European Commission, because this will open up more opportunities for regulation and international harmonisation, not just of the arms export policy, but of the activities of the defence industry in general.*

IV.4 THE WASSENAAR ARRANGEMENT

The Wassenaar Arrangement took effect in July 1996 as the successor to the Coordination Committee for multilateral strategic export controls (otherwise known as 'Cocom'), which oversaw exports of arms and technology on behalf of a group of Western countries at the time of the Cold War. The Wassenaar Arrangement is a political agreement which is intended to harmonise the participating states' export policies in relation to non-participating states⁴². The goods covered include both dual-use goods and technology as well as conventional arms. The objective is to promote a cautious policy. Decisions on exports are taken at a national level. The Wassenaar Arrangement does not allow states to veto each other's arms sales, as was the case with the CoCom. The main terms of the Wassenaar Arrangement are basically as follows:

- (a) the participating states exchange information on dual-use goods and technology (i.e. goods and technology which have both military and civil applications) and report actual exports, and those which are applied for but not authorised. The participating states are responsible for restricting exports by making use of agreed lists of sensitive goods and technology;
- (b) information is exchanged every six months on exports of conventional arms; the data supplied should state not only the weapon system involved, but also type and model. The arms sales concerned are those which fall in the categories drawn up for the purpose of the UN Register of Conventional Arms.

In brief, the Wassenaar Arrangement is a forum for the exchange of information. It does not provide for any advance notice to be given of proposed sales of arms or dual-use goods or technology. The Russian Federation and France were particularly vociferous in their opposition to such an eventuality during the preparatory talks. France was concerned that the provision of advance notice would enable the United States to exert pressure. Russia actually delayed the signing of the Wassenaar Arrangement in April 1996, in a successful attempt to wreck the chances of agreement being reached on the provision of advance notice of arms sales to 'countries of concern'. The Wassenaar Arrangement does make allowance for 'after-the-event' discussions on arms exports, although these are in the minority compared with discussions of dual-use goods⁴³.

42 There are 33 participating countries. When negotiations first started, the participants consisted of the CoCom countries (i.e. the NATO member states, plus Australia and Japan) and those countries which had undertaken to observe the agreements reached by the CoCom (i.e. Austria, Sweden, Finland, Ireland, Switzerland and New Zealand). The following countries joined while negotiations were still in progress: the Russian Federation, the Ukraine, the Czech Republic, the Slovak Republic, Hungary, Poland, Bulgaria, Romania, Argentina and South Korea.

43 The participating states did discuss the stability effects on certain regions, including Northern and Central Africa, at the end of 1996. In addition, all countries have given an undertaking that they will not in any event supply arms to the factions involved in the armed struggle in Afghanistan. (Lynn Davis, US Undersecretary of State, 13 December 1996, in Vienna.)

Civil and military technology are becoming increasingly interwoven, particularly during the development stage. Civil technology has more and more military uses. In other words, it is by no means simply a question of dual-use products and technology. The Director of the CIA, John Deutch, predicted in 1994 that the technologies designed specially for military goods would in the future account for only 30% of the Pentagon's total technology requirement. The technology which a country wishes to acquire for the purpose of its economic growth often offers it the opportunity of obtaining advanced military technology at the same time. This makes it more difficult to control the proliferation of arms, components and technology. The countries participating in the Wassenaar Arrangement will have to consider this new aspect of the arms control issue. Among the potential solutions for the problem are adding to the lists of sensitive technology (which has a wider coverage than dual-use technology) and classifying non-participating countries into a number of different groups. In addition, the key technological developments are tending more and more to affect the components of weapons systems and less and less the weapons systems themselves. This is also something which could be encompassed by the Wassenaar Arrangement. Where appropriate, lists of components could be drawn up to supplement the existing lists of arms and technology.

V REGIONAL AND GLOBAL CONVENTIONAL ARMS CONTROL

V.1 DEFINITION OF TERMS

The term 'regional arms control' may give rise to misunderstandings. For example, the arms control measures agreed in the OSCE, a regional security arrangement constituted in accordance with Chapter VIII of the United Nations Charter, may be regarded as being of a regional nature, despite the fact that the area of application of the confidence and security-building measures agreed in the OSCE may extend beyond the borders of Europe. The CFE Treaty is also an example of regional conventional arms control; with the exception of certain areas, its area of application covers the entire European continent. At the same time, the arms control measures agreed to in the Dayton Peace Agreement are also considered to be regional arrangements. In short, the term 'regional arms control' is often taken to include sub-regional and local arms control⁴⁴. This report uses the term to refer to schemes and arrangements which apply to areas that are demarcated by geographical or political boundaries and which may embrace either an entire continent or part of a continent, such as the Baltic Sea region in Europe or the Great Lakes region in Africa. Global arms control, on the other hand, is regarded in principle as encompassing the whole of the world.

Regional security issues have attracted increasing attention in recent years, thereby highlighting methods of preventing, controlling or ending regional conflicts. Against this background, interest in regional arms control measures has heightened, in particular those measures which are able to reduce region-specific security risks.

Despite the great dissimilarities among the various regions of the world, regional measures in the field of conventional arms control do have certain common features:

- 1 It is not possible to divorce regional security issues from their supraregional political context. Other states may have an interest in the region, in addition to those states with a direct interest which are located in the region itself. This international and interregional context is one of the chief barriers that often precludes reaching agreement on regional arms control. Exactly how a region is delineated or which countries constitute a region is always a matter of debate. This can make states particularly reluctant to agree to extra limitations on levels of conventional armament. Moreover, the states on the periphery of a region in respect of which certain arms control measures have been agreed border by definition on other states to which the regional measures do *not* apply. This is an additional hindrance which may prevent the former states from accepting regional arms control measures⁴⁵. These states must

44 Zdislaw Lachowski, *Tailoring arms control to regional applications*, a paper distributed at the OSCE seminar on 'Regional Security and Cooperation' (Vienna, 2-4 June 1997), p. 1.

45 This is illustrated by the comments made by Anders Bjurner, the Swedish Undersecretary of State for Foreign Affairs, at the OSCE seminar on 'Regional Security and Cooperation' (Vienna, 2-4 June 1997), in drawing attention to the wider security context to which his own country is subject:
"When it comes to matter of military security and arms control, there are limits to what can be achieved on sub-regional levels. The fact that our sub-region includes one of the major nuclear weapon States precludes the possibility of constraining arms control or disarmament agreements, if defined in geographic terms. This is underscored by the fact that the strategic balance in our region is dependent on active links to extra-regional powers and structures."

first of all approve the delineation of the region and then accept the proposed arms control measures as being in the common interest of the region as a whole. Because of the specific conditions which led to the establishment of the CFE Treaty (i.e. two opposing alliances one of which disintegrated during the course of the negotiations), there was broad agreement on the treaty's area of application right from the very outset, so that the delineation problem simply did not occur;

- 2 Regions include states of differing sizes, with a wide variety of political systems, economies and cultures, and whose armed forces are composed in different ways. The security situation in a region may also be characterised by differences in positions of power. Any disequilibrium in the balance of power may have a marked impact on negotiations on conventional arms control, and may even prevent such negotiations from getting under way in the first place. Some of the states in the region in question will be prompted to compensate for their power deficit by seeking to include states from outside the region in the negotiating process. At the same time, where action is taken to strengthen regional security by military cooperation, instead of arms control measures, neighbouring countries will follow any moves extremely closely, keen as they are to ensure that their own security is not placed in jeopardy by regional cooperation;
- 3 In many cases, the assessment of a regional security situation should also take account of the position of non-state actors. As discussed in Section I.2.2.3, the activities undertaken by such groups may have a profound impact on security, which means that any arms control measures must take account of the arms non-state actors have in their possession.

The problems associated with the selection of countries and the definition of regions make regional limitations on conventional arms an attractive concept in theory, but a difficult proposition to realise in practice.

V.2 THE USEFULNESS OF EUROPEAN EXPERIENCE IN THE FIELD OF ARMS CONTROL

Section I.2.2.2 used the term 'post-Cold War security situation' to describe the result of recent achievements in Europe in the field of security. This gradual institutionalization is the consequence of the presence of two power blocs at the time of the Cold War which, albeit not entirely intentionally, helped to create today's environment with all its institutions, organisations and agreements. The agreements already reached in Europe in the field of arms control form part of the post-Cold War security situation. Such kind of institutional framework simply does not exist elsewhere in the world, certainly not in as refined a form as it does in Europe. Whilst elsewhere certain organisations do exist and agreements have been made in relation to security issues, these are often fragmented and not very detailed. In other words, it would be wrong to cherish exaggerated hopes that other regions will be able to emulate the progress made in Europe in the field of conventional arms control. The institutional framework does not exist to make this a realistic possibility.

The AIV believes that the following four aspects of the experience gained in Europe are relevant to conventional arms control in other regions: firstly, the ability of conventional arms control to set goals for military relations in general; secondly, the importance of the presence of a consultative body; thirdly, the CFE Treaty; and fourthly, the CSBMs.

- 1 Section II.1 mentioned the following principles and objectives as underlying the CFE Treaty and the CSBMs: stability and security, the creation of a balance of power, verifiability, transparency and predictability. In many countries and regions of the world,

military data are not public and military relations are clouded in mystery, particularly if individual countries or regions are out to obtain or maintain military superiority. In such cases, recognising that security and stability can also be achieved through cooperation with other states, that the objective should be a state of equilibrium rather than superiority, and that a certain degree of openness in discussing military relations does not automatically lead to dangerous situations, are in themselves already major steps forward.

- 2 Another important factor is that there should be a forum for consultation and negotiation. As explained before, the lack of an institutional framework is one of the main preventing effective action on regional arms control from being taken problems elsewhere in the world. The creation of a suitable forum is a necessary precondition. In Europe, the Conference on Security and Cooperation in Europe (CSCE) was set up at the time of the Cold War to provide a forum for negotiations on conventional arms control. It is also important to bear in mind that Europe gained its experience in arms control by means of a gradual process, for example, through the European Conference on Disarmament (at which CSBMs were discussed) and the talks on Mutual Balanced Force Reductions (which centred on reductions in personnel and equipment strengths). After the Cold War, these fora continued to operate under one roof: the Organisation for Security and Cooperation in Europe (OSCE). Initiatives for conventional arms control in other parts of the world stand very little chance of success without the backing of a forum for consultation and negotiation, the importance of which cannot be emphasised enough. In some areas, it may be possible to make use of already existing organisations and agreements.
- 3 Use was made of the experience gained with the CFE Treaty in defining the categories of armaments for the purpose of the UN Register of Conventional Arms (albeit that a further two categories were added, viz. warships and missiles and launching systems; see below). The system of classification used by the UN arms register was used in turn as the basis for drafting the Wassenaar Arrangement. Considerable use was also made of the CFE Treaty in defining the weapons categories for the purpose of the arms control clauses in the Dayton Peace Agreement. In this sense, the CFE Treaty has already had a strong impact on arms control efforts, elsewhere in the world and worldwide.

The CFE Treaty is currently being adjusted to the new relations in Europe. Although it does not appear to lend itself to duplication in other parts of the world, it may prove possible to use certain parts of the revised version of the treaty in other regions. The following are some of the points that spring to mind:

- (a) the restrictions which the CFE Treaty places on certain categories of heavy weapons are aimed at preventing tensions and conflicts between states. Although this will remain a key concept, it is unclear whether there is sufficient political support for imposing restrictions on heavy weapons outside Europe;
- (b) the system of verification is one aspect of the CFE Treaty that is gaining importance. The system consists of a combination of inspections and military data originating from the mutual exchange of information that are accessible to all treaty parties. For regional arms control efforts there may be benefits to be gained from starting processes of information exchange as these result in the creation of a common data base which all states involved can regard as being reliable. Inspections can be used to check the accuracy of the data provided. The political relevance of such systems is that reliable military data can help to reduce the risk of misunderstandings, etc.

- 4 Provided they are adapted to meet the specific needs of the region, CSBMs can be highly valuable for arms control efforts. States without a great deal of experience in the field of arms control may find it expedient to begin by making commitments of a political nature rather than immediately taking on the legally binding obligations of a formal treaty. CSBMs can be in this respect, with bilateral agreements providing a good starting point. They have the added advantage of also enabling non-state actors to commit themselves to political agreements without having to worry that these will have a potentially far-reaching legal impact. In this sense, CSBMs can usefully be incorporated in peace agreements or armistices whose signatories include non-state actors. The firmness of the agreements made on CSBMs can vary, depending on the political context and the wishes of the signatories.

Irrespective of the area of application, the experience gained in Europe can be used as the basis for the development of CSBMs. In Europe, CSBMs started out as fairly superficial arrangements, but gradually developed into more substantial military and other measures. Where appropriate, the first stage could be to allow observers to attend military exercises, initially on a voluntary basis. This arrangement could then be extended by permitting observers to visit key military installations. The next step could involve imposing restrictions on the movements of military units, for example, preventing them from being deployed in areas where there is a high risk of fighting unintentionally breaking out. In some instances, this would mean instituting a demilitarised zone along a national border, and in other instances it would mean keeping forces away from the borderlines between areas controlled by different factions involved in a domestic conflict. The following stage would then be exchanging information on military deployments and on types of weapons. In other words, CSBMs could be developed on a scale from low-impact to high-impact, with the substance of each arrangement depending, as has already been said, on the political and military situation in the region in question.

The AIV expects multilateral regional and sub-regional agreements on conventional arms control to lead to actual reductions in the level of armaments only in exceptional circumstances, for example in Europe those preceding the formation of the CFE Treaty. Therefore, those regional arms control measures with the best chance of success are CSBMs.

V.3 REGIONAL ARMS CONTROL IN PRACTICE

In Europe, Bulgaria is one of the countries which has been active in taking sub-regional action in the field of conventional arms control. It has signed agreements on CSBMs with Romania, Turkey and Greece. Turkey has concluded similar agreements with Albania and Macedonia. (It should be borne in mind, however, that, under an arrangement made at the time of the Cold War, large parts of Turkey are exempted from CSBMs agreed in the framework of the OSCE.) Hungary and Romania are implementing the Open Skies agreement on a bilateral basis. Broadly speaking, such bilateral agreements are more far-reaching than a number of the CSBMs agreed under the 1994 Vienna Document, as is indeed envisaged by the Vienna Document itself⁴⁶.

Outside Europe, conventional arms control is still very much in its infancy. Unlike the situation in Europe, it was not until after the Cold War had ended that conventional arms control first appeared as an item on the political agenda: "With a few exceptions, [the results]

46 See Lachowski, Z., Appendix 14A, *Confidence and Security Building Measures in Europe* (1997 Sipri handbook), pp. 509 and 510.

are not yet able to go beyond political declarations and gestures"⁴⁷. In the wake of Sino-Russian negotiations on their joint borders, China, Russia, Kazakhstan, Kirghizia and Tadjikistan have agreed on CSBMs in relation to shared border areas, and these have led to a demilitarisation and an easing of tension in the areas in question. China and India have made similar arrangements. In Southeast Asia, joint border committees have been set up by a number of states in the form of bilateral CSBMs. India and Pakistan have also discussed the question of CSBMs. Attempts to transfer the European experience with arms control to the Middle East in the ACRS ('Arms Control and Regional Security working group'), starting with a communication network for which the Netherlands has taken responsibility as one of the three mentor states, have unfortunately failed to get off the ground due to the general malaise affecting political relations in the Middle East.

Finally, there are a number of cases of regional arms control in which the international political context plays a dominant role. These include measures agreed as part of peace accords or cease-fire agreements which have come about under international pressure or which are to be implemented under international supervision. Specific examples of such measures are schemes implemented under the auspices of the United Nations (such as in relation to Angola, Mozambique and Cambodia) or under the supervision of a major power. As an illustration, the remainder of this section consists of a brief discussion of the arms control measures included in the Dayton Peace Agreement (on the former Yugoslavia) and in the peace agreement for Cambodia⁴⁸.

The Dayton Peace Agreement, otherwise known as the Dayton Accord, which sets out the terms governing the truce in Bosnia and Herzegovina, is the result of immense pressure exerted by the United States. Annex 1-B of the Dayton Accord contains measures for stabilising military relations in and around Bosnia and Herzegovina. These measures include both arrangements for conventional arms control (which apply to all factions) and clauses on defence (which apply to just one of the warring factions, i.e. Bosnia and Herzegovina itself). The arms control measures consist of military confidence-building measures and ceilings for weapon systems; the defence measures include the US 'train and equip' programme for the Bosnian army. Although the warring factions ultimately signed the peace agreement on a voluntary basis, one would not be far of the mark in asserting that this is an example of compulsory arms control. Such an assertion would seem to be borne out by the fact that the parties (i.e. the Federal Republic of Yugoslavia, Croatia, and Bosnia and Herzegovina) held talks on the limits for the Federation of Bosnia and Herzegovina and the Republika Srpska, the two non-state entities.

The arms control clauses incorporated in the Dayton Accord concentrate on conventional arms, and are aimed at creating a predefined balance of military power based on a ratio of 5:2:2⁴⁹. The precise ceilings are laid down in a separate agreement, known as the

47 Sipri handbook, p. 494.

48 The main sources are Nooy, G.C., Greven, H.A. (1996), *De vergeten paragraaf: wapenbeheersing in het akkoord van Dayton* ('The forgotten clause: arms control in the Dayton Accord'), The Hague, Clingendael; and McClausland, Jeffrey D. (1997), 'Arms control or disarmament? The case of the former Yugoslavia', *Helsinki Monitor*, vol. 8, No. 3, pp. 58-68; Stedman, Stephen J. (1995), 'UN Intervention in Civil Wars: Imperatives of Choice and Strategy', in: Daniel, Donald F. Hayes, Bradd C. (ed.), *Beyond Traditional Peacekeeping*, London, Macmillan; and Ratner, Steven R. (1995), *The New UN Peacekeeping*, New York, St. Martin's Press.

49 McClausland explains this ratio as follows: 'This ratio is based on the approximate population of the respective states and uses the holdings of the Federal Republic of Yugoslavia as a baseline. The Federal Republic →

Florence Accord, which was signed in June 1996. The ceilings have now been reached and the reductions in the level of armaments have been implemented. Inspections are performed by CFE inspectors. The CSBMs are implemented with the aid of the OSCE. Now that this part of the Dayton Accord is fully operational, a 'Balkan Table' for conventional arms control is to be established. The idea is that the participants should include, in addition to the signatories of the Dayton Accord, Slovenia, Hungary, Austria, Bulgaria and Macedonia. The OSCE has appointed a Frenchman, M. Jacolin, as its special representative and has given him the task of getting negotiations off the ground. In the case of Cambodia, it was not a major power from outside the region which was the moving force behind the conclusion of a peace agreement for this domestic conflict, but the international community, embodied by the United Nations. The peace agreement in question was the 1991 Paris Accord, which was designed to end the conflict in Cambodia and create a peaceful setting in which a new government could be elected. To this end, the United Nations decided to initiate a peacekeeping operation known as UNTAC (United Nations Transitional Authority for Cambodia). At the height of this operation, some 20,000 UNTAC personnel were stationed in Cambodia at a cost to the UN member states of about two billion dollars. UNTAC was given the task not simply of monitoring the enforcement of the cease-fire, but also of taking action to end the conflict. This included, for example, ascertaining whether troop withdrawals were indeed being carried out and whether Vietnamese forces were indeed leaving the country, and also supervising the warring factions as they regrouped and demobilised. In order to enable UNTAC to perform this task, the idea was that the combatants would supply UNTAC with data on the size of their armed forces, the way in which they were deployed and the types and quantities of weapons in their possession. As they were also involved in the conflict, the countries bordering on Cambodia were also requested to supply military data, in particular information on the supply routes used by the combatants. Once it became clear, as these arms control measures were in the process of being implemented in the first half of 1992, that the Khmer Rouge were not prepared to observe them, there was a marked decline in the other parties' willingness to cooperate. Although elections were indeed held eventually, they took place in an environment in which the majority of the warring factions was only partially disarmed and demobilised and one of the factions, the Khmer Rouge, had hardly taken any steps at all in this direction.

In the event, the domestic stability in Cambodia proved too fragile to maintain, despite the intensity of the role played by the international community. The fact that UNTAC only partially succeeded in achieving its goal of disarming and demobilising the warring factions serves to show that one should not expect too much from any arms control measures taken as part of a peace agreement or armistice, if only because the international community will generally be unable to go the extra mile that is required.

The AIV concludes from the above that there are all sorts of obstacles that stand in the way of regional arms control. It is not possible to simply replicate in other parts of the world the experience gained in Europe with multilateral conventional arms control. At the same time, certain elements may prove useful. Bilateral agreements and agreements between small groups of countries are relatively common. In many cases, the institutions and organisations which are required to effectuate broader, multilateral agreements are not in place. This obstacle can be overcome if sufficient political pressure is brought to

→ of Yugoslavia is allowed 75% of the baseline, Republic of Croatia 30%, and Bosnia and Herzegovina 30%. The allocation for Bosnia and Herzegovina will be divided between the component entities on the basis of a ratio of two for the Federation of Bosnia and Herzegovina and one for the Republika Srpska'. (McClausland (1997), p. 61.)

bear by the international or interregional community such that the parties in question are forced to take action. The experience in Cambodia shows just how difficult it is to create stability in these situations.

V.4 THE UNITED NATIONS' REGISTER OF CONVENTIONAL ARMS

In 1991, the General Assembly of the United Nations decided to establish an arms register in order to bring about increased transparency in arms imports and exports⁵⁰. Its intention in doing so was to enhance confidence and ease tension among the participating states, and encourage states to exercise restraint so as to reduce the risk of a destabilising accumulation of conventional arms. The UN member states are required to provide data for the register, by no later than 30 April of each year, on imports and exports of tanks, armoured combat vehicles, artillery (with a calibre of 100 millimetres and above), combat aircraft, attack helicopters, warships (with a displacement of 750 metric tonnes and more) and missiles and launching systems. The member states are also invited to provide additional information on their military holdings and procurement through national production of the specified types of armaments. Between 90 and 100 UN member states have been regular suppliers of data for the register. The focal points of non-compliance are to be found in the Middle East and Africa. Nevertheless, the current list of data suppliers accounts for about 90 per cent of all imports and exports of the specified types of armaments. The vast majority of OSCE countries provide data for the register. In 1993, the OSCE countries gave a political undertaking to provide the relevant data every year⁵¹.

A group of experts meets on a regular basis to talk about potential improvements which could be made to the arms register. Among the improvements they have discussed are making it compulsory to supply information on makes and models (at present, the member states are required only to supply data on certain categories of armaments without going into any further detail), reducing the minimum calibre applying to pieces of artillery, reducing the tonnage applying to warships, introducing a separate category for anti-aircraft missiles, starting a consultative mechanism to allow discussion of discrepancies between import and export figures, and including figures on national production. Unfortunately, it has not been possible to reach agreement on these points as a result of differences of opinion between the member states. *The AIV supports the principle of strengthening the UN Register of Conventional Arms and would like by the way of suggestions that can be brought forward by the Netherlands government in the discussions at the UN, to add the following points:*

- 1) *It has frequently been suggested that light arms should be included in the register. However, Chapter III contains another proposal (which would not, in fact, preclude the incorporation of light arms in the register at a later date), i.e. that the Conference on Disarmament in Geneva provides the best forum at which to stage the negotiations on the setting of targets for light arms, including the illicit production of and trade in such weapons. The reason for not including light arms in the arms register at present is that all sorts of interesting suggestions have been made for improving the current register which would only be complicated by the addition of a completely new category of arms. This is because light arms are of an entirely different nature from the seven categories on which the register is now based, which have been specially selected so as to enable the register to act as a confidence-building measure in preventing build-*

50 Resolution 46/36 L of the General Assembly of the United Nations, 9 December 1991.

51 See the 1997 Sipri handbook, p. 281 ff., for this information.

ups of large conventional weapons and promoting military transparency. The register focuses primarily on arms transactions between states. One of the main problems affecting light arms is the illicit production of and trade in such weapons, which would not be affected by their inclusion in the arms register.

- 2) The UN member states are only obliged to provide information on the seven categories of arms insofar as they are used for military purposes, i.e. by the armed forces of the state in question. This, at least, is the way in which this obligation has been interpreted to date. In other words, customs officers, border guards and members of paramilitary forces are exempt from this obligation⁵². The AIV believes that this obligation should be given a broader interpretation and that the way in which arms imports or exports are used should not play a role in deciding whether or not to report such imports or exports for the purpose of the arms register.*
- 3) By definition, imports and exports of components of weapon systems are not included in the arms register. The AIV believes that this is a point which merits special attention and proposes to extend the register to include such imports and exports. It would seem logical for both the country from which the components are exported and the country in which the weapons are assembled to supply data for the register. Such a proposal would add to the credibility of the Dutch insistence on transparency, given that the Netherlands is primarily an exporter of weapon components.*
- 4) Although it has been proposed that a consultative mechanism be established among the states participating in the register to deal with discrepancies in the data supplied by exporting and importing countries, agreement has not been reached on this point, mainly because countries are unwilling to discuss commercially sensitive information in front of the other UN member states. This problem can be solved by using a system of 'points of contact' that would work on bilateral lines. This would allow importers and exporters to remove any discrepancies in their figures by mutual consultation, thus enhancing the reliability of the register.*

52 1997 Sipri handbook, p. 288.

VI CONCLUSIONS AND RECOMMENDATIONS

Exploring conventional arms control

The concept of conventional arms control has undergone a transformation over the past few years from a political instrument in the context of East-West relations into a term which is open to a wide range of highly disparate interpretations. It may be defined as an attempt to restrict the availability and use of conventional weapons in very divergent political situations, referred to in this report as the context of traditional inter-state relations, the context of the post-Cold War security situation in Europe and the context of tension and conflicts within states. The AIV has examined the various aspects of conventional arms control outlined in the request for advice in the knowledge that, whilst conventional arms control is often a necessity, there are only limited opportunities for putting it into practice.

Conventional arms control in Europe

Thanks to the CFE Treaty, military relations in Europe are now transparent and there is no longer any need in the present circumstances to worry about strategic surprise attacks and large-scale offensives. The process of modernising the CFE Treaty should not undermine its value for European security. This means that the ceilings, the openness in military relations (i.e. the exchange of information) and the intensive verification system must all be retained. In the opinion of the AIV, further reductions will have the effect of strengthening European security. The AIV believes that personnel deployed in paramilitary units should also be subject to the personnel ceilings laid down in the CFE Treaty.

The AIV recommends that the following action be taken in order to harmonise obligations in the field of arms control in Europe:

- (a) Countries which are not party to the CFE Treaty should be asked to participate in the exchange of military information and in the procedures for verifying its accuracy. The first step could be voluntary participation, for example by countries which are members of the European-Atlantic Partnership Council;
- (b) Countries wishing to join NATO should first become party to the CFE Treaty. This condition does not affect the first stage in the enlargement of NATO, i.e. the accession of Hungary, Poland and the Czech Republic, as these countries are already party to the CFE Treaty. In the longer term, however, this requirement may help to harmonise obligations in the field of conventional arms control, as well as ensure that the enlargement of NATO remains a transparent process and has a confidence-building effect.

The AIV urges the Dutch government to ensure that adaption of the CFE Treaty is completed prior to the enlargement of NATO. Given that the new member states are due to accede in April 1999 (when NATO will be celebrating its 50th anniversary), this means that the adaption of the CFE Treaty would need to be completed by this date.

The AIV urges the Dutch government to ensure that any discrepancy between the agreed ceilings and the actual holdings of military equipment makes allowance both for the need for stability (i.e. the ceilings should have a confidence-building effect) and for the need for flexibility (i.e. there should be opportunities for taking military action in a crisis situation). A slight discrepancy may help to reveal a military build-up. More generally, the AIV believes that the CFE Treaty should be made more crisis-proof and, to this end, puts forward the following measures for the government's consideration:

- 1 One of the stabilising measures which the treaty parties could take in adapting the CFE Treaty in order to prevent any potentially threatening build-up of armed forces in particular regions, is the imposition of an obligation to report the actual use made, during an armed conflict, of the five categories of heavy equipment covered by the CFE Treaty. The information supplied would include any change in the location of the equipment, information on whether or not inspections are possible, etc.;
- 2 The next step is that the treaty parties are given an opportunity to discuss, in the JCG, the actual use of the equipment as referred to above;
- 3 Finally, the JCG could be given the power to dispatch inspection teams to the region in question, which means that the inspections would no longer be a national responsibility, but rather that all the treaty parties would carry joint responsibility for inspections. The data base with names of inspectors who are acceptable to all treaty parties could be used for this purpose.

The potential risk with abandoning the group structure in the CFE Treaty is that NATO may end up playing a less important role in the negotiations on the CFE Treaty and in its enforcement, and that bilateral negotiations may instead become more important. This in turn brings with it a risk that small countries such as the Netherlands may find themselves overshadowed. Against this background, the AIV urges the government to intensify cooperation with Germany in the field of verification and to embed this cooperation in the existing system of military cooperation between Germany and the Netherlands.

The AIV also believes that it should be possible to subject mobile, rapid response units (which can be put to good use for offensive tasks) to closer scrutiny through CSBMs. Possible measures include the exchange of more detailed information and CSBMs enabling observers to attend exercises involving 1,000 to 1,500 persons.

Light arms

Light arms are a worldwide problem to which an effective solution cannot be found without international cooperation.

The emphasis in this report is on restricting the availability, proliferation and use of light arms. This does not detract from the fact that, in order to be successful, any measures taken need to be anchored in a broader political, social and economic framework. In this report, this approach is called an integrated approach. It is based on existing aid policy, notably in the field of development cooperation. In this connection, the AIV urges the Dutch government to step up its support in the training of senior army, police and customs officers in those cases in which the state structures need strengthening. Training programmes should not only meet professional requirements, but should also allow time to be spent on human rights issues and the principles of the constitutional state. Such assistance should be provided only on condition that the army, police and customs authorities are brought under civilian control and are required to be genuinely accountable to the civilian authorities.

Other measures which could be taken in relation to light arms are as follows:

- The AIV urges the Dutch government to continue developing the EU's programme for preventing and combatting the illicit trade in conventional arms (which originated as a Dutch initiative), preferably so that the agreements made are of a legally binding nature, and to ensure that the programme involves not only the second pillar of the European Union (i.e. the common foreign and security policy) but also the pillar for internal

affairs and justice. Against this background, the AIV also urges the Dutch government to set up a national committee whose task it should be to ensure that the Netherlands is neither the source of nor a point of transit for an illicit trade in conventional arms. The members of the committee should include in any event representatives from the Internal Security Service (Ministry of the Interior), the Military Intelligence Service (Ministry of Defence), the Central Criminal Information Department (Ministry of Justice), the Customs Directorate (Ministry of Finance), the Economic Investigation Service, the Ministry of Economic Affairs and the Ministry of Foreign Affairs. The committee's task would initially be to exchange general information and ultimately to exchange information of an operational nature, and also to coordinate the Dutch standpoint in international consultations, including within the European Union;

- The AIV recommends that the issue of light arms control be discussed in the Conference on Disarmament (CD) in Geneva. Particularly now that it has been decided that the CD should address the question of anti-personnel mines (see below), it would seem logical to broaden the debate to include the whole range of light arms. This would be an excellent way of preparing for the eventual possibility of including light arms in the UN's Register of Conventional Arms or the Wassenaar Arrangement;
- The AIV proposes that research be performed in the Netherlands with the aim of ascertaining whether it would be technically feasible to fit new light arms with an identifying mark showing where they were produced. Clearly, this approach does not offer any immediate solution to the problem of the large quantities of used light arms which are in circulation at present. It would, however, be possible to study the technical possibilities for fitting used arms with an identifying mark or sign in those situations in which the United Nations or other bodies collect light arms. The existence of a reliable system of registration could help to encourage the combatants to hand in their weapons to an intermediary;
- A number of key producers of anti-personnel mines have failed to sign the Ottawa Land Mine Convention, including the Russian Federation, China and the United States (although it should be noted that the US government has observed a moratorium on the export of anti-personnel mines since 1992). The AIV believes that it would be desirable for countries, in particular those which have made a positive contribution to diminishing the use of anti-personnel mines, to become part of the Ottawa process in some way, without this weakening the agreement reached, i.e. a total ban on anti-personnel mines. One of the ways of achieving this would be by allowing the countries in question, including the United States, to append unilateral statements to the Ottawa Land Mine Convention. This would enable the scope of the treaty to be broadened while overcoming political differences at the same time. The AIV urges the Dutch government to argue in favour of this possibility in international fora.

Arms exports

The AIV recommends that arms should be exported from the Netherlands only to those countries which are participants in the UN Register of Conventional Arms. Such a measure would increase the transparency of Dutch export policy, and would add credibility to the Dutch argument for greater transparency in international imports and exports. (The arms register should also be adapted in the near future so that it covers exports of weapon system components; see also below.) In the longer term, this measure could also be embedded in an international framework, the most appropriate channel being its establishment as a ninth EU arms export criterion.

The AIV wishes to make the following comments in the light of the debate on sales of

unwanted military equipment to developing countries whose defence spending is excessively high:

- Should a particular percentage of GNP be used as a reference in assessing whether defence spending in developing countries is too high, care should be taken not to award such a figure any permanent official status. In addition to the question of the proportion of resources in the country in question which are taken up by defence spending, the other criteria of the European Union for the approval of arms exports should also continue to be applied. Moreover, an assessment should also be made of the impact of any sale on security policy, with account being taken both of the international political situation and of the security and defence policies of the country in question;
- Once it has been decided (regardless of whether or not a percentage figure has been used as a reference) that defence spending in a given country is unacceptably high, the consequences of this decision should not be restricted simply to the export of arms (and components) from the Netherlands. Such a decision should also have a practical impact on development cooperation ties, more so than has been the custom to date. One of the features of the government's recent review of foreign policy has been the removal of the Chinese walls standing between the various aspects of policy. The AIV urges the Dutch government, where the need arises, to adopt an integrated approach to relations with the country in question.

Now that the UK presidency has proposed an EU code of practice for arms exports, all efforts should be focused on strengthening arms export policy in the European Union. The AIV urges the Dutch government to continue to support the UK initiative, and to do its utmost to ensure that substantive agreements are reached. The AIV has suggested a number of practical measures, based on activities on which agreement has already been reached within the European Union and within the framework of the CFSP, for harmonising the arms export policies of the member states in relation to regions in and around Africa. This region-specific policy can also help to promote a political dialogue between exporting and importing countries.

The European Commission has stepped up its efforts to incorporate arms export policy in the body of EU law. It remains to be seen whether the Commission is successful in this respect. The AIV nevertheless urges the government to support the efforts of the European Commission, because this will open up more opportunities for international regulation and harmonisation, not just of the arms export policy, but of the activities of the defence industry in general.

The AIV has concluded that the only talks on arms exports that are held with the United States are those in the framework of multilateral regimes (the Wassenaar Arrangement in particular). Given that the United States is the largest exporter of conventional arms, no policy on arms exports can be effective without some form of consultation between the European Union and the United States. For this reason, the AIV favours the inclusion of arms exports on the transatlantic agenda. This may also help to strengthen the position of the European Commission in this field.

The Wassenaar Arrangement should be strengthened to take account of the role played by civil technology in military applications, as well as the importance of the technological development of components for weapon systems. This is necessary as these factors are making it increasingly difficult to control the proliferation of arms, components and technology.

Regional arms control

The problems associated with the selection of countries and the definition of regions make regional limitations on conventional arms an attractive concept in theory, but a proposal difficult to realise in practice. There are all sorts of obstacles that stand in the way of regional arms control. It is not possible simply to replicate in other parts of the world the experience gained in Europe with multilateral conventional arms control. At the same time, certain elements may prove useful (see below). Bilateral agreements and agreements between small groups of countries are relatively common. In many cases, the institutions and organisations which are required to effectuate broader, multilateral agreements are not in place. This obstacle can be overcome if sufficient political pressure is brought to bear by the international or interregional community such that the parties in question are forced to take action.

The following aspects of the experience gained in Europe may be relevant to conventional arms control in other regions of the world:

- the principles and objectives may act as examples for other countries and regions;
- the presence of a consultative body which can provide a setting for negotiations is of immeasurable value;
- the exchange of information, the performance of inspections and the presence of a reliable data base can help to improve military relations;
- CSBMs should be introduced in a region in such a way that there is a progressive increase in the impact of each subsequent CSBM.

The regional arms control measures with the best chance of success are CSBMs.

The UN Register of Conventional Arms

The AIV supports the principle of strengthening the UN Register of Conventional Arms, but would like to see the register take account of the following points:

- 1 It has frequently been suggested that light arms should be included in the register. However, the AIV suggests that the Conference on Disarmament in Geneva provides the best forum at which to stage the negotiations on the setting of targets for light arms, including the illicit production of and trade in such weapons. The reason for not including light arms in the arms register at present is that interesting suggestions have been made for improving the current register which would only be complicated by the addition of a completely new category of arms.
- 2 The UN member states are only obliged to provide information on the seven categories of arms insofar as they are used for military purposes, i.e. by the armed forces of the state in question. This, at least, is the way in which this obligation has been interpreted to date. In other words, customs officers, border guards and members of paramilitary forces are exempt from this obligation. The AIV believes that this obligation should be given a broader interpretation.
- 3 By definition, imports and exports of components of weapon systems are not included in the arms register. The AIV believes that the Dutch government should pay special attention to the question of imports and exports of components in relation to the UN arms register, and proposes that the register should be extended to include such imports and exports. It would seem logical for both the country from which the components are exported and the country in which the weapons are assembled to supply data for the register. Such a proposal would add to the credibility of the Dutch insistence on transparency, given that the Netherlands is primarily an exporter of weapon components.

- 4 One of the ways of dealing with discrepancies in the data supplied by exporting and importing countries would be by using a system of 'points of contact' that would work on bilateral lines. This would allow importers and exporters to correct discrepancies in their figures by mutual consultation, thus enhancing the reliability of the register.

Annexe 1

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Ref.: DVB/WW - 268/97

Re: Request for advice on the future of conventional arms control

Introduction

Most of the armed conflicts which have broken out during the post-War period have been settled with the aid of conventional weapons. Nuclear weapons have not been used since 1945, and other weapons of mass destruction (i.e. chemical and biological weapon) have been used only sporadically. And yet international talks on arms control have consistently centred on weapons of mass destruction. Whilst worldwide treaties (such as the Non-Proliferation Treaty, the Chemicals Weapons Convention and the Biological Weapons Convention) have been signed to control the latter by setting verifiable limits, only in Europe has it proved possible to make genuine progress in controlling conventional arms. The term 'arms control' should be given a broad interpretation in this context, by the way, to include disarmament, elimination and confidence-building measures.

The significance of conventional arms control

The changing world order has strengthened the role of conventional weapons. At the time of the Cold War, the threat that weapons of mass destruction might be deployed was a clear check on the use of conventional weapons. Europe, in any event, found itself in a situation of relative stability. Now that the Cold War has come to an end, however, the possibility that weapons of mass destruction might be used - at least by states - has distinctly receded. In addition, the very same circumstance has enabled major progress to be made in terms of controlling such weapons: the conclusion and enforcement of the Chemicals Weapons Convention and the signing of the Comprehensive Nuclear Test Ban Treaty being cases in point. These developments have helped to lower the threshold for the use of conventional arms.

Now that the East-West conflict is no longer there to occupy minds, the spotlight has been turned onto intra-state conflicts, many of which are caused by processes of social transformation. With one or two exceptions, the parties involved in this type of armed conflict generally rely on basic conventional arms. As an additional factor to bear in mind, non-state actors, such as separatist movements and guerilla groups, necessarily play a key role in such conflicts. Traditional forms of arms control, designed as they are for inter-state relationships, are less suited for these situations.

Finally, unlike the situation in most European countries, defence spending in some areas of the world (such as the Middle East and Southeast Asia) is on the increase. Uncontrolled international flows of arms (both legal and illegal) and excessive accumulations of conventional arms can have a destabilising effect and endanger international peace and

security. Moreover, large stocks of weapons may also constitute a grave threat to a country's internal stability, particularly in the period immediately after the ending of a conflict. Land mines, for example, may lead to harrowing humanitarian problems long after a conflict has actually ended. For these reasons, conventional arms control has become a vital part of crisis prevention and control⁵³, more so than ever before.

At the same time, conventional arms control is a far from straightforward matter. After all, Article 51 of the UN Charter recognises each state's right of self-defence, and it is generally accepted that states are entitled to arm themselves (with conventional weapons) for this purpose. In other words, it is not really feasible to subject conventional arms (with the exception of certain types of non-discriminatory weapons; see below) to the same comprehensive prohibitions as were agreed for weapons of mass destruction. In theory, every state is entitled to decide for itself how many of what type of conventional arms it needs for its legitimate defence requirements. In practice, however, political ambitions, perceived threats and economic opportunities are the main determinants of a state's level of armament.

Without wishing to deny the internationally accepted right of any state to arm itself for the purpose of self-defence, the Government believes that conventional arms control is an aim that is worthy of pursuit. Not only is it conducive to international peace and security, but it is also an important humanitarian goal. The question therefore arises as to whether it would be possible to develop a policy that can encourage conventional arms control at a regional and/or global level, as a means of continuing the good work already performed in this field. It is worth bearing in mind that the Netherlands has traditionally played a pioneering role in the field of arms control. If the country is to continue to perform this role, we must carefully examine the options ahead of us in the future.

The current state of arms control in Europe

Following a long and difficult series of negotiations, Europe has decided to impose on itself drastic restrictions on its holdings of conventional arms. The Treaty on Conventional Forces in Europe (the CFE Treaty), which is rooted in the Cold War despite the fact that it was not actually signed until 1990, provides the main legal framework for this decision. Under the terms of this treaty, the NATO countries and the former Warsaw Pact countries have agreed to accept quantitative limits on certain categories of heavy conventional arms and to destroy any stocks of arms which are in excess of the agreed limits. These obligations are accompanied by a radical verification regime based on a system of mutual inspections. The CFE Treaty is currently in the process of being modernised. It will definitely lose its bipolar structure (i.e. the group ceilings for NATO and Warsaw Pact countries and the 'zonal' limits), which will probably be replaced by territorial and national arms ceilings. The new structure will make it possible for European countries which are not yet signatories to the treaty to accede. The Government believes that this is a desirable development.

Alongside these 'hard' forms of arms control, a number of 'softer' arms control agreements have also been reached in Europe. These also have their roots in the context of the Cold War, and the majority have been developed in the framework of the Organisation for Security and Cooperation in Europe (OSCE). The OSCE system of military confidence-building measures (most of which are set out in the 1994 Vienna Document, as

⁵³ See also report No. 111 of the National Advisory Council for Development Cooperation: *Ontwikkelingssamenwerking tussen Oorlog en Vrede* ('Development Cooperation between War and Peace'), December 1996.

it is known) was designed as a means of cautiously easing East-West tension. The underlying philosophy was that transparency, i.e. the provision of information on each other's military activities and capacities, and mutual military contacts would enhance mutual trust and could hence reduce the risk of any violent conflicts occurring. The agreements reached in Europe in the field of arms control have also been used as examples outside their direct area of application. The CFE Treaty and the 1994 Vienna Document were used as models for the arms control agreements formulated for the former Yugoslavia under the Dayton Accord. It has not, however, proved possible to reach agreement on a regional arms control treaty for the former Yugoslavia and the neighbouring countries (which the Dayton Accord also calls upon the parties to do). Similarly, very little progress has been made to date in making arrangements for regional arms control in areas bordering on the Black Sea and the Baltic Sea. Finally, by no means all European countries have signed the CFE Treaty and there have been no obvious signs to indicate that non-NATO and non-former Warsaw Pact countries wish to accede to the treaty. In summary, one may conclude that, whilst good progress has been made with conventional arms control in Europe, it remains unclear as to how arms control is likely to further develop in the future.

- 1 *In the opinion of the AIV, what should be the Government's prime concerns as regards conventional arms control in Europe, now that the CFE Treaty is in the process of being modernised and in the light of the confidence-building measures developed in the framework of the OSCE?*

Regional arms control beyond Europe's border; global arms control

No 'hard' agreements have been reached yet on forms of regional arms control beyond Europe's borders. At a global level, agreement was reached in the UN in 1980 on a convention which imposes limits on the use and transfer of certain categories of conventional arms which are presumed either to be non-discriminatory in their action or to cause an excessive degree of suffering (e.g. certain types of land mine, fragmentation bombs, incendiary bombs and laser weapons). However, only a small number of states have signed this treaty for the time being. In part in the framework of this treaty, there is now a growing body of opinion in favour of a total global ban on anti-personnel mines. This movement has now gained momentum in the international political arena, mainly because of the large number of civilian casualties which these weapons cause. It remains unclear, however, whether the talks on this issue are likely to generate concrete results in the near future.

The example set by Europe has been followed in other regions of the world, such as Asia and Latin America, where cautious attempts have been made to introduce 'soft' forms of arms control. Many states are apparently prepared to sign such agreements only if they do not include any provision for a system of verification. In addition, the UN Register of Conventional Arms represents a first step in the direction of worldwide transparency in conventional arms transfers. The register is limited to seven categories of heavy conventional weapons which are capable of undermining stability if accumulated to an excessive degree.

- 2 *What opportunities does the AIV believe exist for making more far-reaching arrangements for conventional arms control at a global level, or at a regional level outside Europe? What are the AIV's views in particular on specific arms control measures, the types of weapons to which such measures could apply, the need for and feasibility of verification, and the ways and fora in which agreement could be reached?*

- 3 *Does the AIV believe it would be possible and desirable for the agreements made in Europe on arms control to be extended to other regions? If so, how should this be done and which regions would be the most likely candidates?*

Although very few, if any, international measures have been taken to date on light arms, i.e. arms which can be carried by foot soldiers, increasing interest is being shown in such action. It is worth mentioning in this connection that the Government is responsible for initiating an EU 'Programme for Preventing and Combating Illicit Trafficking in Conventional Arms' (see enclosure), which focuses primarily on light arms. Other regions have also displayed a desire to address this issue. West Africa is a good example; here, proposals have been made for a regional moratorium on imports and exports of light arms. The Government feels there is a need to identify any other measures which could be taken in order to prevent excessive and destabilising build-ups of light arms. Both the supply and the demand side of the market should be examined in this connection.

- 4 *What opportunities does the AIV believe are available, in addition to the initiatives which have already been taken, for ensuring that the problem of uncontrolled accumulations of light arms around the world receives more attention in the international arena, taking account of the fact that non-state actors play a particularly significant role in relation to this category of weapons?*

Arms exports and export controls

A number of arms exporting countries have devised instruments for restricting the supply of arms, one of the reasons for this being that there are virtually no such instruments to regulate the demand for conventional arms. The main instruments affecting the Netherlands are the eight criteria for arms export policy agreed by the EU member states, on which the national arms export policy in each member state is now based. In practice, however, the EU member states tend to place different interpretations on these criteria. This means that there is a need for harmonising the way in which the criteria are applied.

- 5 *How could the Government seek to ensure that the eight criteria for arms export policies, as agreed by the EU member states, are interpreted by all states in a uniform manner?*

The problem of the absence of limits on the demand side of the market also affects two export control regimes, i.e. regimes aimed at combating the undesired proliferation of certain weapons and technologies. The first of these regimes is known as the Missile Technology Control Regime (MTCR), and provides a framework for agreement between a number of highly industrialised countries on methods for preventing certain missile systems from being developed in countries which do not have access to them at present, despite the fact that they are not actually forbidden from doing so under the terms of a treaty. The second regime is the Wassenaar Arrangement, which is intended to control exports of conventional arms and relevant 'dual-use' goods and is another example of the unilateral imposition of restrictions on the supply side of the market.

The MTCR is in the progress of developing a transparency programme the aim of which is to create the conditions for a dialogue with countries which are not members of either of the export control regimes. A similar dialogue could also be pursued in relation to conventional arms, and the Wassenaar Arrangement may well provide the necessary opportunities for this.

- 6 *Does the AIV believe there are any opportunities, either in the context of the EU or otherwise, for starting a dialogue with countries which are purchasers of weapons and*

weapon technology, with the aim of agreeing on international limits for conventional arms? Such a dialogue might have the effect not only of encouraging the exporting countries to further harmonise and refine their policies on export controls, but also of fostering understanding among the importing countries for the objectives of such policies. The further development of the Wassenaar Arrangement may be able to bring about this type of interaction between exporting and importing countries.

General

7 In the light of the above, which policy instruments does the AIV feel would be most suited as a means of stimulating regional and global conventional arms control? We should like the AIV not only to identify the opportunities offered by the various sectors of foreign policy (following the removal of the Chinese walls between them), such as trade policy and development cooperation, but also to indicate how enforcement procedures can be anchored in an international framework so that their effectiveness is guaranteed.

We should be grateful if the AIV could report to us on these questions, and also advise us on any other aspects relating to the future of conventional arms control, preferably by mid-December if possible.

THE MINISTER FOR FOREIGN AFFAIRS

(signed)

THE MINISTER OF DEFENCE

(signed)

THE MINISTER FOR DEVELOPMENT COOPERATION

(signed)

The Council of the European Union,

convinced that peace and security are inextricably interlinked with economic development and reconstruction,

recognizing that the availability and accumulation of massive quantities of conventional arms and especially their illicit trafficking, often associated with destabilizing activities, are disturbing and dangerous phenomena, particularly for the internal situation of affected states and for the respect of human rights,

stressing the need for effective national control measures on the transfer of conventional arms,

recognizing also the curbing of illicit trafficking of conventional arms as an important contribution to the relaxation of tension and to reconciliation processes,

desirous to take concrete measures to curb the illicit traffic and use of conventional arms, as called for in UNGA resolution 51/45 F, to take practical disarmament measures, as called for in UNGA resolution 51/45 N, and to provide assistance to states for curbing the illicit traffic in small arms and collecting them, as called for in UNGA resolution 51/45 L, all of 10 December 1996,

recalling the EU Member States' common reply to UNGA resolution 50/70 B of 12 December 1995,

has adopted the following

EU PROGRAMME FOR PREVENTING AND COMBATING ILLCIT TRAFFICKING IN CONVENTIONAL ARMS

(1) EU Member States will strengthen their collective efforts to prevent and combat illicit trafficking of arms (footnote 1), particularly of small arms, on and through their territories. In particular, they will vigilantly discharge their national responsibility to ensure the effective implementation of obligations resulting from Treaties and Joint Actions adopted in this field (footnote 2). Furthermore, consideration could be given to, inter alia:

- fostering enhanced cooperation and coordination among intelligence, customs and law enforcement agencies, both at the national and international level, in order to ensure adequate (customs) checks, as well as prompt investigation and effective prosecution in cases of illicit trafficking of arms;
- improving the exchange of information and data on illicit trafficking of arms, e.g. through the use of international data bases and risk analyses.

(2) The EC and its Member States, within the limits of their respective competences, will take concerted action to assist other countries in preventing and combating illicit trafficking of arms, particularly of small arms. Specifically, this assistance could aim to:

- set up or strengthen, as appropriate, an adequate body of laws and administrative measures for regulating and monitoring effectively transfers of arms;

- adopt strict measures, and provide an adequate number of appropriately trained police and customs officials, for the enforcement of national arms export control legislation;
- set up (sub)regional points of contact to report illicit trafficking of arms;
- set up national commissions against illicit trafficking of arms;
- prevent corruption and bribery in connection with illicit trafficking of arms;
- promote (sub)regional and national cooperation between police, customs authorities and intelligence services in this field;
- promote the use of relevant existing international data bases.

(3) The EC and its Member States, within the limits of their respective competences, will take concerted action to assist affected countries, especially in post-conflict situations and in situations where a minimal degree of security and stability exists, in suppressing the illicit circulation and trafficking of arms, particularly of small arms. Specifically, they could aim to:

- ensure the incorporation of appropriate measures for suppressing the illicit circulation and trafficking of arms in peace-keeping operations and cease-fire or peace agreements preceding such operations. To this end, they will cooperate closely, where appropriate, with the United Nations;
- set up weapons collection, buy back and destruction programmes;
- set up educational programmes to promote awareness among the local population of the negative consequences of illicit trafficking of arms;
- promote the integration of former combatants in civilian life.

(4) EU Member States will ensure adequate cooperation between the competent branches of their national authorities in giving concrete form to the objectives of this Programme. The Presidency of the Council will ensure the necessary coordination in this field.

(5) The EC, according to its own procedures, and its Member States are prepared, where appropriate, to make funds available in pursuit of the objectives of this Programme.

(6) The Council will annually review the actions taken in the framework of this Programme.

FOOTNOTES:

1: For the purpose of this Programme and in conformity with the definition in para. 7 of the Guidelines for International Arms Transfers (UN Disarmament Commission, 7 May 1996), "illicit trafficking in arms" is understood to cover that international trade in conventional arms which is contrary to the laws of states and/or international law.

2: Inter alia the EEC Convention on Mutual Assistance between the Respective Customs Administrations ("Naples Customs Treaty") of 7.9.1967, the EU Convention of 26.07.1995 on the use of information technology in the field of customs, and the Joint Action of 20.12.1996, providing a common programme for the exchange and training of, and cooperation between, law enforcement authorities.

Annexe 2

List of people and organisations consulted

Dr K. Colijn

Journalist

Mr F.A. Engering

Ministry of Economic Affairs, Director-General of Foreign Economic Relations

Brigadier-General H.J. van der Graaf (ret.)

Director of arms control and verification at Eindhoven University of Technology and member of the UN Advisory Board on Disarmament Matters

Dr P. Rusman*

Journalist

List of people consulted during the fact-finding mission to Washington and New York undertaken in the period from 29 September to 2 October 1997 by the working party on conventional arms control of the Committee on Peace and Security of the Advisory Council on International Affairs.

Washington

Royal Netherlands Embassy:

Mr R.J. van Houtum

Temporary chargé d'affaires

Think-tanks:

Dr Hans Binnendijk

Director of the Institute for National Strategic Studies at the National Defense University

Dr Stephen Cambone

Senior Fellow of the Political-Military Studies Program Center for Strategic and International Studies

Dr Ivo Daalder

Associate Professor at the School of Public Affairs & Director of Research at the Center for International and Security Studies

Mr Frank Gaffney Jr

Director of the Center for Security Policy

Mr Michael O'Hanlon

Fellow of the Brookings Institution

Ms Lora Lumpe

Director of the Federation of American Scientists' Arms Sales Monitoring Project

Mr Michael Krepon

President of the Stimson Center

Dr Janne E. Nolan

Senior Fellow of the Brookings Institution

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**Special thanks are due to Dr P. Rusman for his contribution to Chapter IV of this report.*

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Mr Graig Dunkerley

Director of the Office of European Security and Political Affairs

Mr Johan Holum

Acting Under Secretary for Arms Control & International Security Affairs & Director of ACDA

Mr Eric Newsom

Acting Assistant Secretary for Political-Military Affairs

National Security Council:

Mr Gary Samore

Special Assistant to the President & Senior Director for Nonproliferation & Export Controls

Pentagon:

Dr Susan Koch

Deputy Assistant Secretary of Defense for Threat Reduction Policy

Capitol Hill:

Mr Marshall Billingslea

Arms Control Expert, Republican, Senate Foreign Relations Committee

Mr Edward Levine

Arms Control Expert, Democrat, Senate Foreign Relations Committee

Mr Ken Myers

Senator Lugar's Office (Republican, Indiana)

Mr Ken Myers Jr

Senator Lugar's Office (Republican, Indiana)

Mr Stanley Sloan

Senior Specialist in International Security Policy in the Congressional Research Service of the Library of Congress & Advisor to the Senate NATO Observer Group

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Permanent Mission at the United Nations:

Mr Cord Meier-Klodt

Counsellor, German Mission

Mr Steffen Rudolph

Minister Plenipotentiary, German Mission

Mr R.W. Zaagman

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Mr Runo Bergström

Department of Peace-Keeping Operations/lessons learned (DPKO/lessons learned)

Lt.-Gen. Manfred Eisele

Assistant Secretary-General, Office of Planning and Support, Department of Peace-Keeping Operations (DPKO)

Mr Y. Golkorsky

Deputy Director, Center for Disarmament Affairs

Major-Gen. F.E. Van Kappen (Marine Corps)

Military Advisor, Department of Peace-Keeping Operations (DPKO)

Mr Bernard Miyet

Under-Secretary-General, Department of Peace-Keeping Operations (DPKO)

Mr Kieran Prendergast

Under-Secretary-General of Political Affairs (DPA)

Annexe 3

ABBREVIATIONS

ACRS	Arms Control and Regional Security Working Group (<i>for the Middle East</i>)
AIV	Advisory Council on International Affairs
ASEAN	Association of South-East Asian Nations
AWACS	Airborne Warning and Control System
BVD	Internal Security Service
CD	Conference on Disarmament
CFE	(Treaty on) Conventional Forces in Europe
CFSP	Common Foreign and Security Policy
CIA	Central Intelligence Agency
COCOM	Coordinating Committee on Multilateral Export Controls
CSBM	Confidence and Security Building Measure
DAC	Development Assistance Committee
EC	European Communities
ECD	Economic Investigation Service
ENMOD	Convention on the Prohibition of Military or any Hostile Use of Environmental Modification Techniques
EU	European Union
GNP	Gross National Product
IMF	International Monetary Fund
JCG	Joint Consultative Group
MID	Military Intelligence Service
MPLA	Movimento Popular de Libertação de Angola
NATO	North Atlantic Treaty Organisation
OECD	Organisation for Economic Cooperation and Development
OSCE	Organisation for Security and Cooperation in Europe
PDD	Presidential Decision Directory
SIPRI	Stockholm International Peace Research Institute
START	Strategic Arms Reduction Talks/Treaty
TLE	Treaty-Limited Equipment
UN	United Nations
UNITA	União Nacional para a Independência Total de Angola
UNTAC	United Nations Transitional Authority for Cambodia
VVD	People's Party for Freedom and Democracy
WEU	Western European Union