UNITED NATIONS REGISTER OF CONVENTIONAL ARMS: ITS REVIEW PROCESS AND ACHIEVEMENTS SO FAR

Presentation to the UN Group of Governmental Experts

By Mitsuro Donowaki,

Advisor to the Japanese Governmental Expert

February 28 2006

(Introduction)

The United Nations Register of Conventional Arms (UNCAR) is one of the few global transparency and confidence-building measures, but not a device to control the manufacture and trade of conventional arms themselves. Since this is a global mechanism intended for universal participation by UN Member States on a voluntary basis, "simple and easy to participate" was the basic thought that prevailed at the time of its establishment. Only larger conventional weapons that can be used for major cross-border surprise attacks, and easy to identify, count and register, but hard to hide and conceal, were the weapons thought to be covered by the Register. Only the number and not the monetary value and other details were required to be registered. Since both the exporter States and importer States would register, cross-checking of data registered would be possible, which was the unique characteristics of this Register. Accuracy and matching of data were a secondary matter, and the willingness of States to cooperate in the transparency and confidence-building exercise was considered to be the most important.

(Review Process of the Register)

When the Register was established by General Assembly Resolution 46/36 L of 9 December 1991, I was one of those involved

in the drafting of the resolution and worked for its approval by as many UN Member States as possible. This resolution was adopted with 150 votes in favor, none against, and 2 abstentions.

The same resolution also decided to keep the operation of the Register under review, and requested the Secretary-General to establish a group of governmental experts in 1994 in order to prepare a report on the "operation" and "further development" of the Register. Similar review was made in 1997, 2000 and 2003, and I participated in all of these meetings. Therefore, I wish to make an assessment of the UN Register's achievements so far mostly on the basis of my experience with these meetings of the governmental experts.

(Extent of Participation)

In assessing the operation of the Register, the first question that comes to our mind is the extent of participation in the Register. Since the Register is a global transparency mechanism, whether its participation is truly global or not should be the basic question. As shown in the distributed list, more than ninety States reported data to the Register each year for the first six years. At the 1994 and 1997 meetings of governmental experts, it was recognized that this level of participation was one of the highest compared with other similar international reporting instruments, but far from universal, requiring greater efforts to promote it.

Then, the participation in the seventh year, 1998, dropped to below ninety for the first time. "What went wrong?" was the question seriously addressed at the meeting of governmental experts in 2000. One of the conclusions was that the decrease in the number was mostly among those States who previously submitted so-called "nil" returns, and not among those who regularly reported some data to the Register.

Accordingly, in order to facilitate participation by those who neither import nor export the seven categories of weapons, who happen to be the majority of States, a simplified form for filing "nil" returns, instead of using the standardized reporting form, was worked out. As a result, we were pleased to note that the number of participation jumped to 116 in the ninth calendar year 2000, and to 124 in the tenth calendar year 2001. The number slightly decreased in the latest three years, but still remains above 110.

At the same time, it should be noted that States that reported to the Register at least once by its 13th calendar year 2004 reached 169 States, with Burundi participating for the first time in 2004. This leaves only 22 States (15 from Africa and 7 from Asia) that have never participated in the Register so far. Although this figure may not be enough to call the Register a universal instrument, the figure is impressive enough, with a good possibility of the Register becoming a universal instrument in the near future

On the other hand, it should be recognized that the extent of participation differs according to geographical regions. As can be seen from the distributed list, participation by West European and Other States is almost 100%. Participation by East European States and Latin American and Caribbean States improved remarkably in the last several years, while participation by Asian States remained below 66% and African States less than 33%.

This was the reason why the 2000 Group of Governmental Experts recommended to "facilitate the holding of regional or sub-regional workshops and seminars" to encourage greater participation. Pursuant to this recommendation some remarkable efforts were made by Canada, Germany, the Netherlands and Japan, in cooperation with the Department for Disarmament Affairs, to organize four regional workshops in Ghana, Namibia, Peru and

Indonesia in 2002 and 2003, all of which I attended with Dr. Nazir Kamal.

Similar recommendation was made by the 2003 Group of Governmental Experts also, and regional or sub-regional workshops were held, for example, in Kenya and Fiji in 2004.

(Quality of Data Registered)

Next, let us look at the quality of data reported to the Register. Here, I wish to make four points. First, the Register had the effect of making public a number of arms transfers that were previously unknown. This became clear at the early stage, after the first two years of its operation. Before the Register's establishment, the SIPRI Yearbook was believed to be a fairly comprehensive data book on arms transfers, and it was said that the Register might not bring out much new data. However, out of the 358 transfers reported to the Register for the first two years, only 191 transfers were covered in the SIPRI Yearbooks. For example, the transfer of 131 artilleries from China to Iran was not covered, which was understandable, but even the transfer of 175 artilleries from France to Saudi Arabia and 328 missiles and missile launchers from the United Kingdom to the United Arab Emirates were not covered.[1]

Let me quote another source. The Monterey Institute of International Affairs organized a seminar for the 1994 Group of Governmental Experts and some outside experts in April 1994. At this seminar Mr. Andrew Duncan of the IISS stated that thanks to the UN Register he could check the accuracy of data in the Military Balance. He could identify 28 transfers not covered in the Military

---

[1] Chalmers & Greene, *Taking Stock: The UN Register After Two Years*, Bradford Arms Register Series No. 5, 1995, Westview Press, pp. 65-68; Laurance, Wezeman and Wulf, Arms Watch, *SIPRI Report on the First Year of the UN Register of Conventional Arms*, Oxford

Balance but reported to the Register. This included four exports made by China.[2]

Apart from the merit of making public previously unknown data, it should be recognized that the Register has its inherent value due to the official nature of data reported, unlike data compiled by private research institutes. Since data is official, the Register makes arms transfers that much transparent, contributing to confidence- and security-building among nations.

Second, as to the volume of arms transfers made transparent by the Register, the reports of governmental experts concluded every time that the great bulk of trade was covered by the Register. Let me explain what is meant by "the great bulk". Since only a few countries make public the monetary value of arms trade, the world total of such trade can only be a guess, and there are several estimates by research institutes. If we are to use the statistics of SIPRI Yearbook 2005, the world total of arms exports in the five years from 2000 to 2004 is estimated to be US$ 84.490 billion, of which the amount of exports by top thirty nations is US$ 83.628, or about 99% of the total. Of these top thirty nations, twenty-eight nations are regular participants in the Register. Of the two others, China has been suspending its participation since 1997 for political reasons. But China's arms exports for these years are estimated to be about US$ 1.4 billion, or about 1.7% of the total. Another is the Democratic People's Republic of Korea. Its export for these yeas is estimated to be US$ 96 million, or about 0, 1%.[3] Therefore,

---

University Press, 1993, p. 47.

[2] Chalmers & Greene, *Developing the UN Register of Conventional Arms,* ed. By Chalmers, Greene, Laurance, Wulf, Bradford Arms Register Studies No.4, 1994, pages 143 and 152.

[3] Stockholm International Peace Research Institute, *SIPRI Yearbook 2005*, Oxford University Press, 2005, pp. 453-454.

theoretically, about 97% of world's arms export has been made transparent by the Register. I think this is another notable achievement made by the Register.

Third, the use of "remarks column" in the standardized reporting form also improved over the years. When the Register was established, it was understood that while the reporting to the Register itself was voluntary, the use of remarks column was even more on a voluntary basis, and in order to make this clear, a narrow space was inserted between the main columns and the remarks column. By filling in the remarks column with types and models of the weapons transferred, the accuracy and transparency of arms trade can be enhanced enormously. Therefore, governmental experts kept encouraging States to use this column.

As it turned out, from the first year, most of the States importing such weapons started to fill in the remarks column. A few years later, major exporting States started to follow suite --- France from 1995, United Kingdom from 1996 and the United States, the largest exporter of arms, from 1997. Even Japan, one of the major importing States, started to fill in from 1997.

As is stated in the year 2003 Report of Governmental Experts, almost all of 49 States reporting transfers used the "remarks" column to provide a description of types and models for calendar year 2001. In this way, I should say, the accuracy and transparency of data improved significantly over the years.

Fourth, I should not fail to mention that the question of the mismatch of data on specific transfers between the exporting and importing States still awaits solution. Of course, when one side reports a transfer, but the other side fails to, or does not even participate in the Register, mismatches occur. Even when both sides report, the number of items transferred may not match

exactly.

From early on, governmental experts realized that one important reason for mismatches could be the lack of a common definition of a transfer. This led to differing interpretations not only of whether a transfer had taken place, but also of the timing of a transfer. Therefore, at the recommendation of the group of governmental experts, the standardized form was revised from 1994 to include explanatory notes by States indicating the criteria used in defining transfers. From 1997, another revision to the standardized form was made requesting States to indicate national contact points, in order to facilitate consultation among States on such matters. Thus, some improvements have been made over the years, but I am afraid that mismatches will continue as long as States follow different national practices in defining what constitutes a transfer.

(Adjustment of Categories)

Now, let us turn to the question of "further development" of the Register, which was taken up every time the group of governmental experts met. Adjustment of the seven categories of weapons covered by the Register, and the expansion of the scope of the Register were the two main issues addressed at each of the group meetings

As to the adjustment of categories, while some of the governmental experts argued that the definition of the seven categories needed adjustments for various reasons, some others believed that higher priority should be given to the consolidation of the Register, instead of making hasty adjustments. At the group's meetings in 1994, 1997 and 2000 extensive discussion took place on this question, but no agreements were reached. Finally, it was at the group meeting of 2003, after ten years of the operation of the Register that the group members felt time was ripe to seriously

address this problem.

Debates in the preceding group meetings revealed that there were two areas of concern that deserved attention and perhaps justified the adjustment of the definition of categories. One was the growing concern of the international community on the proliferation of small arms and light weapons. The Register should be adjusted to meet this concern. Another was the concern on the failure of the Register to cover some types of armored combat vehicles, military aircraft and helicopters that perform force projection and force multiplier functions, but were not covered under the existing definition of categories. I will not go into the details of the issues here.

The 2003 Group of Governmental Experts managed to make some adjustments in response to the first concern, but failed to reach any agreement on the second concern. As is well known, the caliber of artillery systems was lowered from 100 mm to 75 mm, and MANPADS was included in the category of missiles and missile launchers.

(Expansion of the Scope)

Lastly, the expansion of the scope of the Register has been a hotly debated issue from the time of its establishment. In early years it was argued that, if the Register was to cover arms transfers only, those States who could procure arms through national production would not have much to report to the Register, making it unfair from the viewpoint of transparency and confidence-building. Therefore, in the founding resolution A/46/36 L, it was decided that pending the expansion of the scope of the Register to cover procurement through national production and national holdings of such weapons, States were "invited", but not "called upon" as was the case with transfers, to provide such "background information" to

the Register annually.

Later on, following the recommendation made by governmental experts of 1997 the annual consolidated report of the Secretary-General started to incorporate such background information, instead of just giving names of the States supplying such information. This was a useful step taken in promoting greater transparency. Japan is proud that its reporting on military holding and procurement is one of the most transparent as can be seen from the annual consolidated reports of the Secretary General. In fact, about 30 States do report such background information each year, and most of the information supplied happens to be in the same seven categories used for reporting arms transfers.

But this does not mean that the scope was expanded, because the supply of such information remains to be more on a voluntary basis compared to the supply of data on transfers. Unfortunately, no agreement has been reached so far on any of the proposals to expand, even partially, the scope of the Register, and this question still remains as one of the long-standing issues of the Register.

(Concluding Remarks)

In concluding my remarks, I wish to recapitulate what I stated. I mentioned that the level of participation was impressive and promising with over 110 States participating every year and nearly 170 States participating at least once so far. I made four points on the quality of the Register. First, the Register had the effect of making public arms transfers that were previously unknown. Second, since most of the exporting and importing states in the seven categories of conventional arms report to the Register, almost all of such trade is now covered by the Register. Third, thanks to the readiness of reporting States to fill in the remarks column with the types and models of weapons transferred, the

degree of transparency has been significantly enhanced. Fourth, however, the mismatch of data between exporting and importing States on specific transfers has not been effectively reduced.

On the development of the Register, I stated that the 2003 Group of Governmental Experts managed to make some adjustments to the definition of the seven categories of weapons, although there may be some room for further adjustments. As to the expansion of the scope of the Register to cover national holding and procurement of weapons, some improvement was made by including such background information in the annual consolidated report of the Secretary General. However, the expansion of the scope, which has been a long-standing issue since its establishment, has not been achieved so far.

As can be seen, in its history of operation over the past 13 years, the Register had some successes and failures. However, the merits of what it achieved so far outweigh by far the demerits of what it has not achieved. We owe this to the willingness of a large number of States to uphold the Register. I may say that the Register is a proud product of our time. Therefore, it is my belief and expectation that the Group of Governmental Experts this year will do its best to evaluate the operation of the Register, and to find ways to further strengthen and develop it.

Thank you.