

# CONFERENCE ON DISARMAMENT

CD/INF.54  
5 September 2006

Original: ENGLISH

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## BASIC DOCUMENTS OF THE CONFERENCE ON DISARMAMENT RELATED TO TRANSPARENCY IN ARMAMENTS

Compilation prepared by the Secretariat

Symbol	Subject of the document	Date
CD/1113	UK – Communiqué following the meeting of representatives of the 5 States permanent members of the UN Security Council on Arms Transfers and Non-Proliferation	26 November 1991
CD/1150	Decision on organizational arrangements in connection with GA resolution 46/36 L	27 May 1992
CD/1173	Report of the CD to the UN General Assembly – Transparency in Armaments (Paragraphs 91-111)	3 September 1992
CD/1191	Position of the Chinese Delegation on Transparency in Armaments	5 March 1993
CD/1206	USA – Transparency in Armaments Ad Hoc Committee	20 July 1993
CD/1207	USA – US Arms Export System: Policy, Practices and Contacts	20 July 1993

CD/1222	Report of the CD to the UN General Assembly – Transparency in Armaments (Paragraphs 42 and 43)	3 September 1993
CD/1246	US views on continuous operation and further development of the UN Register of Conventional Arms	21 February 1994
CD/1247	The Netherlands – Transparency in Armaments	28 February 1994
CD/1257	Romania – Views and Working Paper on the Proposal for a Code of Conduct for the international transfers of conventional arms	17 May 1994
CD/1259	USA on behalf of Belgium, Canada, France, Germany, Italy, the Netherlands, UK and USA – Working Paper on military holdings and procurement through national production	24 May 1994
CD/1260*	Germany – Comments on the maintenance of the UN Register of Conventional Arms and its possible future development	6 June 1994
CD/1281	Report of the CD to the UN General Assembly - Transparency in Armaments (Paragraph 36)	13 September 1994
CD/1286	Canada – Arms Control and Disarmament Publication	12 January 1995
CD/1400	“The UN Conventional Arms Register: Canadian Practice in Preparing its Annual Data Submission, November 1995”	31 May 1996
CD/1401	Canada – “The UN Conventional Arms Register: An Annotated Bibliography, October 1995”	31 May 1996
CD/1434	Western Group Observations on the Future Agenda of the CD	11 September 1996

CD/1450	Iran – Proposal on the Programme of Work	20 March 1997
CD/1456	Canada – Views on the CD's Agenda and Programme of Work	15 May 1997
CD/1462	G21 – Proposal on the Programme of Work	5 June 1997
CD/1489	Norway – Summary of Report No.57 (1996/7): “ The Export of Weapons, Ammunition and Other Military Equipment in 1996”	28 January 1998
CD/1494	Netherlands – Draft Decision	10 February 1998
CD/1544	UK – Code of Conduct on Arms Exports	19 June 1998
CD/1591*	Brazil and USA – Inter-American Convention on Transparency in Conventional Weapons Acquisitions	26 August 1999
CD/1620	President's Proposal on the Programme of Work for the 2000 Session of the CD	29 June 2000
CD/1624	Draft Decision: President's Proposal on the Programme of Work for the 2000 Session of the CD	24 August 2000



# CONFERENCE ON DISARMAMENT

CD/1113  
26 November 1991

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LETTER DATED 22 NOVEMBER 1991 FROM THE LEADER OF THE DELEGATION OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND ADDRESSED TO THE PRESIDENT OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE OFFICIAL TEXT OF THE COMMUNIQUE ISSUED FOLLOWING THE MEETING HELD IN LONDON ON 17 AND 18 OCTOBER 1991 BETWEEN REPRESENTATIVES OF THE FIVE STATES PERMANENT MEMBERS OF THE UNITED NATIONS SECURITY COUNCIL CONCERNING ARMS TRANSFERS AND NON-PROLIFERATION

I have the honour to send you herewith the official text of the communique issued following the meeting held in London on 17 and 18 October 1991 between representatives of the five States permanent members of the United Nations Security Council concerning arms transfers and non-proliferation.

I would be grateful if you would circulate this text as an official document of the Conference on Disarmament, and arrange for its translation into the other languages of the Conference.

(Signed): T.A.H. Solesby  
Ambassador

MEETING OF THE FIVE ON ARMS TRANSFERS AND NON-PROLIFERATION:  
LONDON 17/18 OCTOBER 1991

1. In accordance with their agreement in Paris on 8 and 9 July 1991, representatives of the United States of America, the People's Republic of China, France, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics met in London on 17 and 18 October to take forward their discussions on issues related to conventional arms transfers and to the non-proliferation of weapons of mass destruction.
2. Recalling the statement which was issued in Paris on 9 July, they:
  - agreed common guidelines for the export of conventional weapons (annexed). They expressed the hope that other arms exporting countries will adopt similar guidelines of restraint;
  - agreed to inform each other about transfers to the region of the Middle East, as a matter of priority, of tanks, armoured combat vehicles, artillery, military aircraft and helicopters, naval vessels, and certain missile systems, without prejudice to existing commitments to other Governments;
  - agreed to make arrangements to exchange information for the purpose of meaningful consultation, bearing in mind their shared concern to ensure the proper application of the agreed guidelines, and to continue discussions on how best to develop these arrangements on a global and regional basis in order to achieve this objective;
  - welcomed work at the United Nations General Assembly on the early establishment of a United Nations register of conventional arms transfers, and supported the current consultations on this issue between a wide range of United Nations members in which they are actively participating. They called for universal support for this work;
  - noted the threats to peace and stability posed by the proliferation of nuclear weapons, chemical and biological weapons, missiles etc, and undertook to seek effective measures of non-proliferation and arms control in a fair, reasonable, comprehensive and balanced manner on a global as well as on a regional basis. They reaffirmed the importance of maintaining stringent and, so far as possible, harmonized guidelines for exports in this area. They embarked on a comparison of their national export controls on equipment related to weapons of mass destruction and agreed to examine the scope for further harmonization of those controls. They agreed to pursue discussions at their next meeting on these subjects;
  - agreed to continue discussing the possibilities for lowering tension and arms levels, including the development of further measures and restraint concerning arms transfers and ways of encouraging regional and global efforts towards arms control and disarmament;
  - agreed to continue to give these efforts high priority and meet again in the new year in the United States to take forward their discussions, and to meet regularly thereafter at least once a year.

# GUIDELINES FOR CONVENTIONAL ARMS TRANSFERS

The People's Republic of China, the French Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America,

recalling and reaffirming the principles which they stated as a result of their meeting in Paris on 8 and 9 July 1991,

mindful of the dangers to peace and stability posed by the transfer of conventional weapons beyond levels needed for defensive purposes,

reaffirming the inherent right to individual or collective self-defence recognized in Article 51 of the Charter of the United Nations, which implies that States have the right to acquire means of legitimate self-defence,

recalling that in accordance with the Charter of the United Nations, United Nations Member States have undertaken to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources,

seeking to ensure that arms transferred are not used in violation of the purposes and principles of the United Nations Charter,

mindful of their special responsibilities for the maintenance of international peace and security,

reaffirming their commitment to seek effective measures to promote peace, security, stability and arms control on a global and regional basis in a fair, reasonable, comprehensive and balanced manner,

noting the importance of encouraging international commerce for peaceful purposes,

determined to adopt a serious, responsible and prudent attitude of restraint regarding arms transfers,

declare that, when considering under their national control procedures conventional arms transfers, they intend to observe rules of restraint, and to act in accordance with the following guidelines:

1. They will consider carefully whether proposed transfers will:

(a) promote the capabilities of the recipient to meet needs for legitimate self-defence,

(b) serve as an appropriate and proportionate response to the security and military threats confronting the recipient country,

(c) enhance the capability of the recipient to participate in regional or other collective arrangements or other measures consistent with the Charter of the United Nations or requested by the United Nations,

2. They will avoid transfers which would be likely to
  - (a) prolong or aggravate an existing armed conflict,
  - (b) increase tension in a region or contribute to regional instability,
  - (c) introduce destabilizing military capabilities in a region,
  - (d) contravene embargoes or other relevant internationally agreed restraints to which they are parties,
  - (e) be used other than for the legitimate defence and security needs of the recipient State,
  - (f) support or encourage international terrorism,
  - (g) be used to interfere with the internal affairs of sovereign States,
  - (h) seriously undermine the recipient State's economy.

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# CONFERENCE ON DISARMAMENT

CD/1150  
27 May 1992

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## Decision on organizational arrangements in connection with General Assembly resolution 46/36 L

(Adopted at the 622nd plenary meeting on 26 May 1992)

The Conference on Disarmament, having considered the requests of the United Nations General Assembly included in its resolution 46/36 L, "to address, as soon as possible, the question of the interrelated aspects of the excessive and destabilizing accumulation of arms, including military holdings and procurement through national production, and to elaborate universal and non-discriminatory practical means to increase openness and transparency in this field; to address the problems of, and the elaboration of practical means to increase openness and transparency related to the transfer of high technology with military applications and to weapons of mass destruction, in accordance with existing legal instruments; and to include in its annual report to the General Assembly a report on its work on this issue", and bearing in mind the time-frame established in paragraph 11 (b) of said resolution, decides to add to its agenda for its 1992 session an item entitled "Transparency in armaments", under which it can address those issues. The Conference on Disarmament further decides to include in its 1992 report to the United Nations General Assembly a section covering its work on this agenda item.

The Conference also decides to address the agenda item in a series of informal meetings, under the chairmanship of Ambassador Zahran of Egypt.

The Conference has taken due note of the request of the General Assembly to the Secretary-General of the United Nations in paragraph 11 (b) of resolution 46/36 L, to take into account the work of the Conference in his preparation of a report in 1994 on the continuing operation of the United Nations Register and its further development. Further, the Conference has also taken note of the request made to the Secretary-General of the United Nations in paragraph 14 of the same resolution to provide the Conference all relevant information, including, *inter alia*, views submitted to him by Member States and information provided under the United Nations system for the standardized reporting of military expenditures, as well as on the work of the Disarmament Commission under its agenda item entitled "Objective information on military matters".

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GE.92-61573/4114H



# CONFERENCE ON DISARMAMENT

CD/1173

3 September 1992

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## REPORT OF THE CONFERENCE ON DISARMAMENT TO THE GENERAL ASSEMBLY OF THE UNITED NATIONS

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I. Transparency in Armaments

91. At the start of its 1992 session, the Conference, under the guidance of its President, held informal consultations on appropriate organizational arrangements to meet the requests made to it by the General Assembly in paragraphs 12, 13 and 15 of resolution 46/36 L, taking account of the information supplied by the Secretary-General in accordance with paragraph 14 of that resolution.

92. At its 617th plenary meeting, on 19 March 1992, the President of the Conference appointed Ambassador Mounir Zahran of Egypt as Special Coordinator to conduct consultations with all delegations on all aspects of the question before the Conference.

93. At its 622nd plenary meeting on 26 May 1992, the Special Coordinator submitted a draft decision on organizational arrangements in connection with General Assembly resolution 46/36 L, which was adopted by the Conference. It reads as follows (CD/1150):

"The Conference on Disarmament, having considered the requests of the United Nations General Assembly included in its resolution 46/36 L, 'to address, as soon as possible, the question of the interrelated aspects of the excessive and destabilizing accumulation of arms, including military holdings and procurement through national production,

and to elaborate universal and non-discriminatory practical means to increase openness and transparency in this field; to address the problems of, and the elaboration of practical means to increase openness and transparency related to the transfer of high technology with military applications and to weapons of mass destruction, in accordance with existing legal instruments; and to include in its annual report to the General Assembly a report on its work on this issue', and bearing in mind the time-frame established in paragraph 11 (b) of said resolution, decides to add to its agenda for its 1992 session an item entitled 'Transparency in armaments', under which it can address those issues. The Conference on Disarmament further decides to include in its 1992 report to the United Nations General Assembly a section covering its work on this agenda item.

"The Conference also decides to address the agenda item in a series of informal meetings, under the chairmanship of Ambassador Mounir Zahran of Egypt.

"The Conference has taken due note of the request of the General Assembly to the Secretary-General of the United Nations in paragraph 11 (b) of resolution 46/36 L, to take into account the work of the Conference in his preparation of a report in 1994 on the continuing operation of the United Nations Register and its further development. Further, the Conference has also taken note of the request made to the Secretary-General of the United Nations in paragraph 14 of the same resolution to provide the Conference all relevant information, including, inter alia, views submitted to him by Member States and information provided under the United Nations system for the standardized reporting of military expenditures, as well as on the work of the Disarmament Commission under its agenda item entitled 'Objective information on military matters'."

94. In conformity with the above decision, at its 622nd plenary meeting on 26 May 1992, the Conference included the item "Transparency in armaments" in its 1992 agenda (CD/1119/Add.1).

95. Also in accordance with the above decision, the Conference held five informal meetings on the agenda item between 9 and 26 June 1992, under the chairmanship of Ambassador Mounir Zahran of Egypt.

96. At the first informal meeting, the Chairman, under his own responsibility, put forward guidelines for the conduct of the work of the informal meetings. Drawing from the terms of the requests made to the Conference in General Assembly resolution 46/36 L, he suggested that the informal meetings might address:

1. the question of interrelated aspects of the excessive and destabilizing accumulation of arms, including:

- (i) military holdings, and
- (ii) procurement through national production;

2. the elaboration of non-discriminatory practical means to increase openness and transparency in this field;

3. the problems and the elaboration of practical means to increase openness and transparency related to:

(i) transfer of high technology with military applications, and

(ii) weapons of mass destruction.

97. The Chairman stressed that his proposed guidelines were not binding on any delegation and that, in accordance with the practice of the Conference, any delegation wishing to do so might raise any subject relevant to the item. Moreover, the Chairman also pointed out that the formulation contained in the decision of the Conference (CD/1150) was general enough to allow for discussion of any matter relevant to the question of transparency in armaments. It was understood that the proposed guidelines would not prejudice the future work of the Conference on this item.

98. In accordance with the decision of the Conference at its 603rd plenary meeting on 22 August 1991, the informal meetings were open to all non-member States invited by the Conference, upon their request, to participate in its work. Several non-members participated in the informal meetings.

99. The following background documents were submitted during the annual session:

(a) Document CD/1113, dated 26 November 1991, submitted by the delegation of the United Kingdom of Great Britain and Northern Ireland, transmitting the official text of the Communiqué issued following the meeting held in London on 17 and 18 October 1991 between representatives of the five States permanent members of the United Nations Security Council concerning arms transfers and non-proliferation.

(b) CD/TIA/WP.1, dated 21 July 1992, submitted by the delegation of Cuba, entitled "Transparency in arms transfers".

(c) CD/TIA/WP.2, dated 28 July 1992, submitted by the delegation of France, entitled "Working paper on transparency in armaments".

(d) CD/TIA/CRP.1, dated 22 June 1992, submitted by the delegation of Japan, containing information on the "Tokyo Workshop on transparency in armaments", held from 1 to 3 June 1992.

(e) CD/TIA/INF.1, dated 19 June 1992, prepared by the Secretariat, entitled "Background paper pursuant to General Assembly resolution 46/36 L, 'Transparency in armaments'", containing a list of documents issued by the General Assembly and the Disarmament Commission, relevant to the questions set out in paragraph 14 of said resolution.

(f) CD/TIA/INF.1/Add.1, dated 3 August 1992, circulated by the Secretariat upon request of the informal meeting, containing the text of the "Guidelines and Recommendations for objective information on military matters", adopted by the United Nations Disarmament Commission at its substantive session in May 1992.

100. Many delegations expressed their views on the item in plenary meetings of the Conference throughout the 1992 session, as contained in its official records.

101. In paragraph 1 of this annual report, the work of the Conference is characterized as being of an exceptional nature in the 1992 session, as intensive efforts were made to conclude the chemical weapons convention. This fact also affected the Conference's work on the agenda item "Transparency in armaments". Thus, the discussions held in the informal meetings devoted to the item were limited to a preliminary exchange of views and no attempt was made to reach agreement on any of the ideas raised and proposals put forward. For the same reasons, the report of the Conference on this item for this year does not constitute a precedent for work on this item in future years. Owing to the preliminary character of the discussions, they have been reported below in the form of an outline of various subjects addressed at the informal meetings, rather than that of a narrative of the different points of views expressed.

102. The informal meetings addressed the following questions relating to organizational aspects of the Conference's consideration of transparency in armaments, and delegations gave views on what they felt could or should be the role of the Conference in this area. Varying views were expressed on:

- how the Conference should respond and the importance it should give to the requests made to it by resolution 46/36 L;
- the need for balance in the Conference's response to General Assembly requests made in connection with the Conference's agenda items;
- the overall time-frame for the Conference's consideration of the item, whether limited or indefinite;
- the modalities for the Conference's consideration of the item in future years, such as, in the context of informal meetings or in an ad hoc committee with a mandate and programme of work;
- the need for the Conference to reach a common understanding of its task in this field;
- the need for the Conference to agree on terminology which it would be using, e.g., "international transfer of conventional arms", "excessive and destabilizing accumulation of arms", "military holdings" and "procurement through national production";



- the possibility that the General Assembly might clarify terminological issues related to the question in order to facilitate the work of the Conference.

103. It was noted that openness and transparency in armaments had already been the subject of various agreements among States at the regional and bilateral level, as well as at the multilateral level. In order for the Conference to have at its disposal as exhaustive an inventory as possible, summarizing the existing measures or agreements at the multilateral, regional and bilateral level, it was agreed that the Secretariat would draw up such a list and that delegations wishing to do so may include in that list any measure they feel would be relevant to the subject.

104. Attention was drawn to the "Guidelines and Recommendations for objective information on military matters", the text of which was adopted on a consensus basis by the Disarmament Commission at its substantive session in 1992 and which constituted an important element for the consideration of the agenda item "Transparency in armaments" in the Conference. It was agreed that the text of the "Guidelines" be circulated to the Conference (see CD/TIA/INF.1/Add.1).

105. Varying views were expressed on the concept of transparency in armaments itself. Some of the issues raised in this regard were:

- transparency in arms transfers as a part of a global disarmament process;
- transparency as a means to diminish inter-State tensions caused by misperceptions of intentions;
- the need for equal and balanced rights and responsibilities of States participating in a transparency regime;
- the need for transparency to be pursued in a fair, reasonable, comprehensive and balanced manner;
- the need for a transparency regime to restrict the indiscriminate sale of arms;
- transparency in armaments in the context of the peaceful settlement of conflicts;
- the need to incorporate research and development in a transparency in arms arrangement;
- the need to include the financial aspects of the arms trade to enhance transparency;
- the limits to openness and transparency, including, most particularly, the need to preserve the sovereign right of any State to individual or collective self-defence;

- the need to avoid the misuse of any information exchanged so as not to threaten the security of small or weaker countries;
- the need to avoid the abuse of commercial confidentiality;
- the need to avoid vital defence information falling into the hands of States not participating in any transparency regime;
- whether transparency in armaments was sufficient in and of itself in the solution of regional conflicts;
- the need for the countries that are the biggest suppliers of armaments to adopt genuine and effective measures of self-restraint, including substantial reductions in arms exports, so as to create favourable conditions for the political settlement of regional conflicts;
- the eventual verification or monitoring of a transparency regime;
- the overall issue of illicit arms trading, taking into account General Assembly resolution 46/36 H;
- the interrelationship between the emerging systems of transparency in armaments agreed at the multilateral, regional and bilateral level.

106. Delegations referred to the following problems and issues with respect to the question of the interrelated aspects of the excessive and destabilizing accumulation of arms, including military holdings and procurement through national production, and varying views were expressed on them:

- the need to take account of the inherent right to individual or collective self-defence;
- the expansion of the United Nations Register of Conventional Arms to include information on military holdings and procurement through national production;
- the difficulties that some States might have in reporting this further information on the Register;
- the need to expand the Register on a step-by-step basis;
- the need for the Conference to take account of the report of the Panel of Governmental Technical Experts considering the expansion of the Register;
- the need to keep the provision of this type of information on a voluntary basis;
- the need to ensure there is no link between the supply of information and decisions on economic and technological assistance;

- the need to report transfers of know-how and technical services linked to production, operation or maintenance of conventional arms, foreign technical support, transfers of plant technology, certain raw materials and the construction by foreign contractors of installations necessary for the functioning, maintenance or production of such arms;
- that the Conference take up the questions of the comparability of statistics, the nationality criteria for production facilities and the legal means used by Governments to obtain information from private sources;
- that the Conference consider an exchange of information on the organization and structure of military forces and of military budgets;
- that the Conference could play an important role in the movement towards the evaluation of information exchanged, leading eventually to a legally binding exchange of information linking suppliers and recipients.

107. The sensitive nature of the problems of openness and transparency related to the transfer of high technology with military applications was underlined, as well as the need to handle this type of transfer in a manner different from conventional weapons.

108. In this regard, delegations referred to the following problems and issues and varying views were expressed on them:

- the need for a definition;
- that technology in and of itself was neutral;
- the dual-use nature of high technology;
- the need for freedom of access to high technology by developing countries;
- the existing arrangements for the harmonization of export control policies dealing with the transfer of high technology with military applications, such as, the Nuclear Suppliers Group, the Missile Technology Control Regime and the Australia Group;
- the repercussions on the economies of both supplier and recipient countries;
- whether transfers of high technology would include those with application to conventional weapons or weapons of mass destruction or both;
- that the Conference conduct in-depth studies to define the scope of transparency in the area of high technology with military applications and to identify the current practices governing States' activities in this field;

- that the Conference examine the national rules and legislation governing the activities of participants in the existing arrangements for the harmonization of export control policies, as well as the export control procedures in place to implement the legislation with a view to helping States without such legislation to adopt such legislation, and to promoting cooperation in a framework ensuring security;
- that the Conference focus on the establishment of universal, transparent and predictable non-proliferation norms, principles or "rules" for the transfer of high technology, as opposed to the existing unilateral arrangements for the harmonization of export control policies which some States consider to be discriminatory;
- that the Conference take account of the initiative to study scientific and technological developments and their impact on international security presented by one delegation in 1988 at the Third Special Session on Disarmament which was an attempt to deal with the issue in a universally transparent manner;
- that the Conference take account of efforts already under way in this field, such as under the auspices of IAEA, which is studying the possibility of the establishment of a Register on the transfer of nuclear material and equipment or the studies made by the Organization for Economic Co-operation and Development.

109. Delegations attached importance to problems of openness and transparency related to weapons of mass destruction. Delegations referred to the following problems and issues and varying views were expressed on them:

- increasing transparency as regards the nuclear-weapon States;
- the clandestine production of weapons of mass destruction;
- increasing transparency in non-States Parties to existing legal instruments;
- the elaboration of universal and non-discriminatory means in this field;
- the relevance or the lack of relevance to the question of the Treaty on the Non-Proliferation of Nuclear Weapons, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, and the future Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, specifically the provisions therein relating to the non-transfer of such weapons or their related equipment, and related arrangements with respect to exchanges of information among States Parties to these agreements;

- the need for the expansion of the United Nations Register to include this type of information exchange in order to reduce its discriminatory aspects.

110. Delegations forwarded ideas as to what the practical means to increase openness and transparency might be, or might aim towards, and varying views were expressed on them:

- for the Conference to develop such practical means beyond the scope of the United Nations Register;
- the elaboration of means to create conditions towards an international atmosphere whereby States would demonstrate their readiness to cooperate to ensure openness and transparency;
- the development of internationally applicable regulations to enable States to exercise more effective control over arms transfers;
- the elimination of semi-legal and fraudulent arms transfers through international cooperation;
- the monitoring of military-related license transfers, including of dual-purpose techniques and technologies;
- the presence of a group of international experts during the process of destruction of nuclear weapons;
- for the discussions in the Conference on the United Nations Register to be guided strictly by the terms of resolution 46/36 L;
- for the nuclear-weapon States to put aside their policy of not declaring nuclear weapons on ships;
- the elaboration of guidelines to regulate the transfer of high technology with military applications;
- the elaboration of legally-binding and institutionalized regulations for transparency in the armaments outlined in paragraphs 12 and 13 of resolution 46/36 L;
- for discussions in the Conference to take duly into account that references were made to the ambiguities of some terms of resolution 46/36 L and of its partial and discriminatory aspects;
- ways to encourage States to participate in the implementation of the Register;
- the establishment of a complementary register to collate information being obtained under existing arrangements relevant to weapons of mass destruction;

- the agreement on a code of conduct by supplier and recipient States governing illicit arms trading, taking into account General Assembly resolution 46/36 H;
- the expansion of the Register to cover other items, such as inter alia arms production, research and development activities, storage conditions, transfers of high technology of a military nature to other countries, and any previous information relating to weapons of mass destruction including nuclear weapons;
- to ensure that emphasis is placed on the universal and non-discriminatory aspects of the Register, that it be kept simple to promote universality, and that it be expanded on a step-by-step basis.

111. It was generally agreed that the Conference's discussions in informal meetings this year on transparency in armaments were useful and that the organizational framework to deal with this item, as in the case of other items on its agenda, be taken up at the beginning of the Conference's 1993 session.

# CONFERENCE ON DISARMAMENT

CD/1191  
CD/TIA/WP.3  
5 March 1993

ENGLISH  
Original: CHINESE

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LETTER DATED 4 MARCH 1993 FROM THE HEAD OF THE DELEGATION OF THE  
PEOPLE'S REPUBLIC OF CHINA TO THE CONFERENCE ON DISARMAMENT  
ADDRESSED TO THE PRESIDENT OF THE CONFERENCE ON DISARMAMENT  
TRANSMITTING THE TEXT OF A DOCUMENT ENTITLED "POSITION OF THE  
CHINESE DELEGATION ON TRANSPARENCY IN ARMAMENTS"

I have the honour to transmit to you herewith the text of a document of  
the Chinese delegation entitled "Position of the Chinese Delegation on  
Transparency in Armaments".

I would be grateful if this document could be circulated as an official  
document of the Conference on Disarmament and as a working paper of the Ad Hoc  
Committee on Transparency in Armaments.

(Signed): HOU Zhitong  
Ambassador for Disarmament  
Affairs  
Head of the delegation of the  
People's Republic of China to  
the Conference on Disarmament

GE.93-60414 (E)

Position of the Chinese Delegation on Transparency in Armaments

1. The objective of transparency in armament (TIA) is to enhance peace, security and stability in the various countries and regions of the world. Appropriate and practicable TIA measures are conducive to the establishment and promotion of international trust and the easing of international tensions, and help countries to decide upon appropriate levels of armament.
2. In the pursuit of TIA, the fundamental principle of undiminished national security for all countries must be observed. Under the Charter of the United Nations, States enjoy an inherent right of individual and collective self-defence. Hence all countries have the right to possess and maintain means of military defence at a level commensurate with their legitimate self-defence requirements. All TIA measures must be conducive to maintaining and enhancing rather than jeopardizing or compromising countries' right to self-defence and their legitimate defence capabilities. Countries are likewise under an obligation not to seek armaments exceeding their legitimate security requirements.
3. Specific TIA measures should be appropriate and practicable and formulated jointly by all countries through consultations on an equal footing. The nature and scope of these measures should be determined in the light of the objectives agreed upon by various countries, and subject to amendment where called for by developments in the international situation and countries' changing requirements.
4. Transparency in armament is difficult to pursue independently, as it depends on international conditions. To promote TIA, Members of the United Nations should all strictly adhere to the purposes and principles of the Charter, abide by the five principles of peaceful co-existence, settle international disputes through peaceful means, and oppose and eliminate from international relations interference in the internal affairs of other countries, and the use or threat of force in displays of hegemony and power politics.
5. As levels of armament vary greatly between countries, their actual influence on regional and global security also varies. It is incumbent on the countries with the largest and most advanced nuclear and conventional arsenals to proceed to drastic reductions in their heavy and offensive weapons, their naval and air forces in particular while taking the lead in making public information on their arsenals and the deployment of their forces. This will facilitate drastic reductions in global armament levels and enhance the sense of security of other countries and regions, which in turn will generate favourable conditions for universal TIA.
6. As different countries and regions face different political, military and security conditions, the same TIA measures may affect countries in various ways. It is, therefore, not advisable to insist on uniform TIA. Instead, countries should be allowed to opt for such measures as they see fit in their respective national conditions. At the same time, to promote TIA, efforts



should be made to encourage countries to participate extensively in jointly agreed TIA measures on the basis of equality, without coercion, in accordance with their specific conditions.

7. While promoting the United Nations mechanism for TIA, encouragement should also be given to bilateral and regional exchanges of military information, TIA measures and related arrangements, and to unilateral endeavours in this respect.

8. Measures intended to limit, control or make transparent the application of science and technology for military purposes must not compromise or affect the peaceful applications of advances in science and technology, by the developing countries in particular, or influence international cooperation and exchanges in this field.

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# CONFERENCE ON DISARMAMENT

CD/1206  
CD/TIA/WP.11  
20 July 1993

Original: ENGLISH

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## UNITED STATES OF AMERICA

Remarks by Ambassador Michael Newlin  
Deputy Assistant Secretary of State  
Bureau of Politico-Military Affairs

Transparency in Armaments Ad Hoc Committee  
Conference on Disarmament  
Geneva, March 19, 1993

My delegation appreciates the opportunity to meet with members of the Ad Hoc Committee for Transparency in Armaments to discuss the relationship of Transparency in the field of export controls of conventional military equipment and technology.

The end of the cold war has sharply reduced some old dangers such as strategic nuclear arms or massive bloc to bloc conventional conflict in Europe. This welcome situation can be expected to free human, economic, and intellectual resources for peaceful purposes. However, all of us recognize that the fundamentally new situation we face contains a new set of dangers and challenges which we must confront with wisdom and determination.

In a world dominated by opposing military blocs, nonproliferation efforts concentrated on control of nuclear arms while facilitating peaceful nuclear activities. Conventional arms, while important, were secondary to the strategic nuclear equation.

In just a few short years, other arms control activities have received great attention, and situations that were once unthinkable have come to pass. Strategic nuclear forces have been drastically reduced and the same is true of tactical nuclear weapons in Europe and elsewhere. The Conference on Disarmament, after prolonged negotiations, reached agreement on the Chemical Weapons Convention, a major step forward. There is new attention to biological weapons and to delivery systems of weapons of mass destruction.

In all of this activity, there is a realization that attention should also be paid to the control of conventional armaments. Discussion of this problem has taken place in the United Nations, in the Conference on Disarmament, in NATO, the European Community, CSCE and, I dare say, in other fora as well as in bilateral discussions. For the past two days, my colleagues and I have taken part in a discussion of arms export controls in the Security Forum of the CSCE.

In Vienna, discussions revealed that:

- All CSCE members maintain, or are in the process of creating, national controls on arms exports and imports.
- All current systems have several features in common, including an established legal or executive basis, a licensing system, policies that reflect both national interests and international responsibilities, including means of enforcement.
- Many CSCE members have subscribed to multilateral nonproliferation regimes, and to international guidelines on arms exports.
- All CSCE members have undertaken to support the UN Register of Conventional Arms by making timely submissions of data on national arms exports and imports.

I think it is fair to say that there is a growing realization that the area of conventional arms export and import controls deserves attention. In London in October 1991, the five major arms suppliers agreed on a set of guidelines. Concerning restraints, the participants agreed that:

- They will consider carefully whether proposed transfers will promote the capabilities of the recipient to meet needs for legitimate self-defense; serve as an appropriate and proportionate response to the security and military threats confronting the recipient country; and enhance the capability of the recipient to participate in regional or other collective arrangements or other measures consistent with the charter of the United Nations or requested by the United Nations.
- They will avoid transfers which would be likely to prolong or aggravate an existing armed conflict; increase tension in a region or contribute to regional instability; introduce destabilizing military capabilities in a region; contravene embargoes or other relevant internationally agreed restraints to which they are parties; be used other than for the legitimate defense and security needs of the recipient state; support or encourage international terrorism; be used to interfere with the internal affairs of sovereign states; or seriously undermine the recipient state's economy.

It is in this encouraging context that I welcome the opportunity to speak to you about rules of the road for U.S. arms transfers -- the policies that guide our sales and exports of conventional weaponry. It is in this context that the U.S. makes arms sales which are consistent with U.S. foreign policy and security interests. Exports are banned to nations that support terrorism, and are severely restricted to those that violate human rights or have engaged or are likely to engage in aggression.

The vast bulk of U.S. sales go to NATO and other friends and allies. Given the pattern of our sales, we have not supported constraints on the overall volume or value of U.S. defense sales, outside the context of broader arms control agreements, nor have we supported unilateral moratoria on defense sales.

Our most visible effort at restraint is the 1991 Arms Control in the Middle East Initiative with the four other major arms suppliers. The Initiative explicitly seeks to combine restraint among arms suppliers with an effort to reduce demand by establishing a regional political process. As part of this, the U.S. co-sponsors an Arms Control and Regional Security (ACRS) Working Group, which seeks to share our experience in arms control and confidence-building measures with Middle Eastern states, and to identify specific confidence-building measures for future discussion. We have made similar efforts in other regions.

Our goal is to avoid destabilizing arms flows that can create a threat to international peace and security. We remain committed to continuing responsible arms transfers to meet the legitimate defense needs of our friends and allies. We are also working on some global measures in the United Nations to address this problem, such as Transparency in Armaments (TIA).

We applaud the recent CSCE resolution agreed to in support of the TIA Initiative. The U.S. is already more transparent in arms transfers than other countries. We are eager to help others become more open about their arms transfers.

We consider the UN Transparency in Armaments Initiative to be the principal international venue for transparency. As Ambassador Ledogar stated to the CD two weeks ago, we believe all governments represented around this table attach great importance to ensuring that the register is a successful one. As you know, the deadline for national submissions, April 30, is fast approaching. My government is busily preparing data on conventional imports and exports, along with available background information regarding our military holdings, procurement through national production, and relevant policies.

The U.S., along with many others, sees great value in establishing a global confidence-building measure which highlights transparency and openness with regard to the flow of conventional arms. While the CD will be pursuing distinct issues related to transparency in armaments, the U.S. thinks this conference could also usefully undertake efforts to give the so-called "New York" track -- the register, a boost. In fact, individually and collectively, members of this conference should take the lead in promoting the UN Register and ensuring its effective operation.

Some may ask how should the conference do this. What measure should the CD embark on with regard to the register? As a starting point, we suggest that the CD could do two things. First, the CD member states could agree collectively that they will provide the Register's requested data and information to the United Nations Secretary-General on time, complying with the Register's April 30th deadline. Second, the CD could agree that we will encourage others to do the same, beginning with non-member participant states of the CD.

As a separate initiative, and noting what our friends in Vienna are doing, I believe that the conference could also agree that on or about April 30, when we submit data to the register we will exchange informally, among ourselves, here in Geneva, copies of national submissions.

The Conference on Disarmament, as the sole multilateral global negotiating body on disarmament, should pursue not only its own transparency in armaments objectives, but also take the lead in supporting and promoting the UN Register. What better way for this body to show the international community its resolve of openness and transparency in the area of conventional arms?

The London Guidelines for Conventional Arms Transfers that I elaborated on earlier are a good starting point for building international consensus on common principles regarding what are good or bad arms transfers. Further discussions -- bilaterally, as we are doing now with Russia and other former Warsaw Pact states, or multilaterally in the CD, ACME, or other fora -- of the policy rationale for arms transfers (as opposed to the purely commercial benefits) can be expected.

We realize that arms transfers restraints which are not multilateral will only encourage other suppliers to increase arms production and sales in order to fill the vacuum left by responsible suppliers, and that our efforts should be undertaken in a multilateral context. However, it is important that this context include all significant suppliers. The U.S. will support friends and allies as we have in the past, in complete accord with our own stringent policy guidelines.

As many of you are aware, the United States has approached a number of governments on a strictly bilateral basis to discuss our concern with the exports of arms and arms-related technology to various third countries. We have sought to dispel any impression that, in raising questions about specific transactions, the U.S. objects to foreign arms exports, or seeks to protect U.S. commercial interests by freezing other countries' firms out of the international arms trade.

In the interest of ensuring that world arms sales are compatible with preserving regional and global stability -- an objective shared by all responsible members of the international community -- I would like to take this opportunity to discuss the principles that the United States applies in judging the acceptability of proposed sales of arms and arms-related technology.

#### Constraints on U.S. Sales

Many countries, including the U.S., are actively pursuing conversion of domestic defense industries into commercial production for the civilian market. We regard participation in the international arms market as a legitimate commercial activity and a normal instrument for promoting national interests. Many countries, including the United States, take financial considerations into account when exporting arms.

At the same time, we recognize that these sales can have important implications for our own security and foreign policy interests and those of the recipient and third parties. We therefore do not make commercial interests the major determinant of arms sales decisions.

Each sale proposed by a U.S. firm is given careful scrutiny within the U.S. government before it can go forward. This process is often subject to contentious debate both within the executive branch and between the executive branch and the legislative branch. All but the most routine cases are coordinated with other offices and agencies within the executive branch, based on whether their area of expertise relates to the case. In many cases, we are required by U.S. law to notify major sales to the U.S. Congress prior to conclusion of the sales agreement.

In almost every case, there are implications of the sale for the security of the U.S. and the confidence and stability of the larger international community.

Decisions on specific arms transfers take into account U.S. national security and arms control interests, the non-proliferation of destabilizing military capabilities, and the proposed recipient's legitimate defense requirements, ability to control effectively retransfer of the equipment, and external and internal behavior.

Parallel to our deliberative process we maintain strict enforcement of controls over exports of goods and technology.

### General Prohibitions

Countries deemed to represent a direct threat to U.S. security are automatically ineligible to receive U.S. arms of any type. I am happy to report that the number of these countries has declined in recent years. Sales of arms or related technologies are not permitted when the recipients are thought to harbor aggressive designs on their neighbors.

We have refrained from selling military equipment to states which have adopted policies aimed at the systematic denial of human rights to a large portion of their populations. We have sought in addition to deprive states engaging in international terrorism from acquiring the means of committing further violence.

Absolute bans have also been placed on the transfer of especially destabilizing technologies. For instance, we have prohibited the transfer of all weapons of mass destruction. In this connection, we have adopted not only unilateral constraints on the sale of their most deadly delivery vehicles -- ballistic missiles and related technologies -- but have also joined multilateral agreements such as the Missile Technology Control Regime (MTCR).

Another critical consideration in evaluating weapons transfers is the capacity of the recipient to keep equipment as well as technology from being sold or transferred to third parties. Some newly-developed highly-advanced technologies -- such as the so-called "stealth" technologies -- are considered so critical to maintaining our defenses that we have refused to transfer them to any recipient.

### Gray Areas: Need to Assess Regional Impact

The most difficult cases involve countries that are responsible members of the international community, but involved in protracted regional disputes. While recognizing legitimate needs of self-defense, we have constrained the export of arms or arms-related technology when convinced that such exports would upset regional arms balances, stimulate a



regional arms race, or undermine regional peace and security. In these instances, the nature and quantity of the technology to be transferred is of great importance.

### Temporary Prohibitions

For some countries, such as those experiencing widespread civil unrest or recurring human rights problems, or where a military coup has caused increased instability or resulted in the establishment of an illegitimate government, we do not approve any exports of defense items until sufficient progress has been made toward rectifying the situation.

In such instances, we wish to avoid both supporting militaries that abuse their power, and contributing to any instability or continuing human rights violations. These, then, are some of the "tests" that projected U.S. arms sales must pass in order to be approved.

We recognize that applying these considerations to concrete cases is often difficult and that states can have honest disagreements over the potential impact of weapons transfers. We believe, however, that our common interests in international peace and stability outweigh disputes over specific cases and allow us to agree on general principles. Adherence to these guidelines has had, and will have, no effect on the ability of my country to support friends and allies.

The U.S. and other permanent members of the UN Security Council have already had extensive discussions on arms transfer restraints on how best to judge the regional political implications of arms sales, and we achieved a solid success in agreeing to general principles on judging these implications at the meeting I have referred to in London.

All countries should be made aware of the dangers of proliferation, and be encouraged to develop responsible national export policies and legal systems to enforce such policies. The two must go hand-in-hand, for even the best export control system is rendered worthless by irresponsible arms transfer policies.

The need for enhanced international cooperation in the area of conventional arms exports is made all the more important by the fact that the arms market is obviously shrinking. The volume and value of global arms transfers has fallen sharply. It is possible that the market may contract by at least another 25 percent by the end of the decade. This has heightened already fierce competition among suppliers. Many will not

survive. This can create pressure to make irresponsible arms exports.

While overall sales have declined, the relative U.S. share of the market has grown. Because of reduced arms purchases in the former communist world, the U.S. is now the largest arms exporter, accounting for roughly half of the new sales.

In view of these changes in the global arms market, and the relative increase in the U.S. share of it, we are even more conscious of the need to act responsibly and to promote international observance of responsible arms transfer policies. We take this responsibility very seriously. For our part, the U.S. stands ready to assist others in creating the type of export control process and policy framework to prevent destabilizing transfers of conventional arms.

# CONFERENCE ON DISARMAMENT

CD/1207  
CD/TIA/WP.12  
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Original: ENG

## UNITED STATES OF AMERICA

### U.S. arms export system: policy, practices & contacts

September 4, 1992

The United States views the transfer of conventional arms and other defense articles and services as an integral part of its national security, arms control, and foreign policies. Applied judiciously, foreign arms transfers can help meet the legitimate defense needs of friendly countries, deter aggression, and foster regional stability, thus promoting regional and international security and the peaceful resolution of disputes. Mindful of the potentially adverse consequences of indiscriminate international arms transfer, the United States strictly regulates arms exports and reexports and has a genuine interest in arms transfer restraint. The U.S. has initiated and participates in several international efforts related to arms transfer restraint, and remains prepared to consider other realistic proposals directed toward that end.

There are two channels by which the United States exports arms: the government-to-government security assistance program managed by the Department of Defense under the policy guidance of the Department of State; and, through private or direct commercial arms exports licensed by the Department of State. The legal, policy, and regulatory bases of U.S. arms transfers are elaborate, comprehensive, and transparent.

Security Assistance. U.S. government-to-government programs are conducted under statutory authority of the Foreign Assistance Act of 1961, as amended, and the Arms Export Control Act (AECA), as amended. They consist of foreign military sales (FMS), the Foreign Military Financing Program (FMF), and the Excess Defense Articles Program (EDA). FMS transfers may take the form of cash or FMF, the latter extended by the Department of Defense as grants of concessional rate loans that may be used to procure defense articles, defense services, and design and construction services from the military departments or directly from U.S. commercial suppliers. EDA are defense articles declared "excess" to Department of Defense needs and sold to foreign governments at reduced prices based on age and condition. Although FMS traditionally has been the main vehicle for U.S. arms transfers, commercial arms sales have been increasing in value relative to FMS.

Commercial Arms Exports. Direct commercial sales of U.S.-origin defense products, components, technologies and services are governed by the Arms Export Control Act and implemented under the International Traffic in Arms Regulations (ITAR). Control over the export of defense articles and services is exercised through a comprehensive export licensing system administered by the State Department's Office of Defense Trade Controls, formerly the Office of Munitions Control.

The essential features of the U.S. export system include:

The U.S. Munitions List. The Arms Export Control Act provides for the President to designate which commodities shall be deemed to be defense articles and defense services. Such designated defense articles and services constitute the U.S. Munitions List (USML), which is contained in the ITAR. The designation of defense articles and services is based primarily on whether the article or service is deemed to be inherently military in character. Such articles may be further designated as "significant military equipment" for which special export controls are warranted because of the capacity for substantial military utility or capability. USML articles are subject to ITAR controls and regulated by the Department of State.

The ITAR defines defense services as:

(a) The furnishing of assistance, including training to foreign persons in the design, engineering, development, production, processing, manufacture, use, operation, overhaul, repair, maintenance, modification, or reconstruction of defense articles, whether in the United States or abroad; or (b) the furnishing to foreign persons of any technical data, whether in the United States or abroad.

Technical Data. The extent to which the U.S. controls technical data exports is probably unique among the world's leading exporters. Any exporter who wishes to export technical data pertaining to any article covered by the United States Munitions List must receive prior licensing approval from the Office of Defense Trade Controls (OTC).

Technical data is information "directly related" to the design, production, use, repair, or modification of defense articles. It does not include information concerning general scientific principles commonly taught in academia. It also does not include base marketing information on function or purpose or general system description of defense articles. The export of technical data is regulated regardless of whether the data is transmitted by phone, written correspondence, telex, fax, or in person conversation.

There are certain licensing exemptions for the export of technical data. They include:

--Technical data to be disclosed pursuant to an official written request or directive from the U.S. Department of Defense;

--Technical data in furtherance of a manufacturing license or technical assistance agreement approved by DTC;

--Technical data sent by a U.S. corporation to its U.S. person-employee or to the USG;

--Technical data in the form of basic operations, maintenance, and training information relating to a defense article lawfully exported or authorized for export to the same recipient;

--Technical data approved for public release, even if unpublished, by the cognizant U.S. agency.

Arms Export Licensing System. Central to the regulation of commercial arms exports is the licensing system administered by the Department of State's Office of Defense Trade Controls (DTC). Commercial firms and private individuals engaged in the manufacture or export of U.S.-origin defense articles and services must register with DTC. All U.S. persons must seek approval from DTC to export any item or service covered by the USML, unless the export is specifically exempted under the ITAR. In some instances, non-transfer and end use assurances are required of end-users and appropriate authorities in charge of monitoring legal transactions of the private sector. U.S. law provides for sanctions in the event of violations of export regulations.

Decisions to approve or deny arms export license applications are considered on a case-by-case basis and subject to an intra-governmental review and coordination process. A broad range of factors is taken into account, including:

- the stated end-use and end-user of the equipment or services;
- whether the transfer is consistent with U.S. national security, foreign policy and international obligations;
- whether it will contribute to or adversely affect regional security and stability;
- the recipients legitimate defense requirements;

- whether the proposed transfer can be absorbed without overburdening the recipient's military support system or financial resources; and,
- whether other legal and policy requirements (e.g., arms control and human rights) are satisfied.

Retransfer/Re-Export. Pursuant to ITAR § 123.9(a), the country designated as the ultimate destination on an export license application or on a shipper's export declaration must be the country of ultimate end-use. The prior written approval of the Department of State must be obtained before reselling, diverting, transferring, transshipping, or disposing of a defense article in any country other than the country of ultimate destination as stated on the export license, or on the shipper's export declaration in cases where an exemption is claimed.

In addition, § 123.10 of the ITAR requires that an application for a license to export significant military equipment (as defined in § 120.19 of the ITAR) must be accompanied by a non-transfer and use certificate (Form DSP-83) at the time of submission to the Office of Defense Trade Controls. This form is to be executed by the foreign consignee and foreign end-user. The certificate stipulates that the foreign consignee and foreign end-user will not re-export, resell or otherwise dispose of the significant military equipment enumerated in the application outside the country named as the location of the foreign end-use, without the prior written approval of the Department of State.

Enforcement Operations. Export control enforcement efforts are both preventive and reactive and can be either administrative or judicial. Under the authority of ITAR, any license or other approval may be suspended, revoked, denied or amended without prior notice whenever DTC believes that applicable laws and regulations have been violated. Reported and attempted violations of the ITAR are investigated in coordination with appropriate offices and agencies. By long-standing interdepartmental agreement, the U.S. Customs Service conducts actual investigations of alleged violations. DTC coordinates with and assists Customs and other law enforcement authorities in conducting their investigations. DTC also assists in consulting the Department of Justice if criminal proceedings are to occur. Enforcement actions range from detention and seizure of suspect shipments to criminal prosecution of firms and individuals. Commercial firms or individuals convicted of violating the ITAR can be debarred from participating in the export of defense articles and services, as well as the transfer of technical data for a

period up to three years. They may also be subject to criminal and civil fines as well as imprisonment.

Legislative Oversight. Congressional interest in, and oversight of the Security Assistance and Commercial Arms Sales Programs is extensive. The Congress is able to oversee these programs through the statutory reporting requirements which are mandated by the AECA. The AECA also provides for Congressional notification prior to the issuance of certain types of licenses. This includes the export of major defense equipment valued at \$14 million or more, or the export of any defense articles or services valued at \$50 million or more. Similar certification is required before approval of technical assistance or manufacturing license agreements that involve the manufacture abroad of significant military equipment to any country except NATO members. Additionally, Congress must be provided with an annual estimate of anticipated approval during the current calendar year.

Transparency of U.S. Arms Transfers. The previously mentioned statutory Congressional notifications are matters of public record, and contribute to the openness and transparency of the U.S. arms export program. By statute, the President is also required to submit an annual budget request for Security Assistance Programs which is generally presented in Open testimony and published as the Congressional Presentation for Security Assistance Programs. Furthermore, the U.S. Defense Security Assistance Agency publishes the implementation guidance for the Security Assistance Program in the Security Assistance Management Manual, and also publishes annual comprehensive reports entitled Fiscal Year Series and Foreign Military Sales, Military Construction Sales and Military Assistance Facts; and the U.S. Agency for International Development annually publishes U.S. Overseas Loans and Grants and Assistance from International Organizations, including country-by-country military assistance program data. Finally, the U.S. Arms Control and Disarmament Agency's (ACDA) annual publication, World Military Expenditures and Arms Transfers, is designed to provide comprehensive public information on international arms transfers. Such transparency, we believe, can contribute to international confidence by increasing regional stability and restraining destabilizing arms sales.





# CONFERENCE ON DISARMAMENT

CD/1222

3 September 1993

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## REPORT OF THE CONFERENCE ON DISARMAMENT TO THE GENERAL ASSEMBLY OF THE UNITED NATIONS

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#### H. Transparency in Armaments

42. The list of documents presented to the Conference during its 1993 session under the agenda item is contained in the report submitted by the Ad Hoc Committee referred to in the following paragraph.

43. At its 665th plenary meeting on 3 September 1993, the Conference adopted the report of the Ad Hoc Committee established by the Conference under the agenda item at its 637th plenary meeting (see paragraph 6 above). That report (CD/1218) is an integral part of this report and reads as follows:

##### "I. INTRODUCTION

"1. At its 637th plenary meeting, on 21 January 1993, the Conference on Disarmament decided to establish an Ad Hoc Committee on Transparency in Armaments for its 1993 session with the following mandate (CD/1150 of 26 May 1992):

'The Conference on Disarmament, having considered the requests of the United Nations General Assembly included in its resolution 46/36 L, "to address, as soon as possible, the question of the interrelated aspects of the excessive and destabilizing accumulation of arms, including military holdings and procurement through national production, and to elaborate universal and non-discriminatory practical means to increase openness and transparency in this field; to address the problems of, and the elaboration of practical means to increase openness and transparency related to the transfer of high technology with military applications and to weapons of mass destruction, in accordance with existing legal instruments; and to include in its annual report to the General Assembly a report on its work on this issue", and bearing in mind the time-frame established in paragraph 11 (b) of said resolution, decides to add to its agenda for its 1992 session an item entitled "Transparency in armaments", under which it can address those issues. The Conference on Disarmament further decides to include in its 1992 report to the United Nations General Assembly a section covering its work on this agenda item.

'The Conference also decides to address the agenda item in a series of informal meetings, under the chairmanship of Ambassador Zahran of Egypt.

'The Conference has taken due note of the request of the General Assembly to the Secretary-General of the United Nations in paragraph 11 (b) of resolution 46/36 L, to take into account the work of the Conference in his preparation of a report in 1994 on the continuing operation of the United Nations Register and its further development. Further, the Conference has also taken note of the request made to the Secretary-General of the United Nations in paragraph 14 of the same resolution to provide the Conference all relevant information, including, inter alia, views submitted to him by Member States and information provided under the United Nations system for the standardized reporting

of military expenditures, as well as on the work of the Disarmament Commission under its agenda item entitled "Objective information on military matters".

## "II. ORGANIZATION OF WORK AND DOCUMENTS

"2. The Ad Hoc Committee held its first meeting on 19 March 1993 under the Chairmanship of Ambassador Mounir Zahran, who had been appointed on 18 March 1993, at the 646th plenary meeting of the Conference on Disarmament. Ms. Jenifer Mackby, Political Affairs Officer, Office for Disarmament Affairs, served as Secretary of the Ad Hoc Committee.

"3. The Ad Hoc Committee held 15 meetings from 19 March to 23 August 1993.

"4. In accordance with the decision of the Conference at its 603rd plenary meeting on 22 August 1991, the Ad Hoc Committee was open to all non-member States invited by the Conference, upon their request, to participate in its work.

"5. In addition to the documents of the previous session related to this item, the following official documents were submitted during the annual session:

(a) Document CD/1191 (also issued as CD/TIA/WP.3), dated 5 March 1993, submitted by the delegation of the People's Republic of China, entitled 'Letter dated 4 March 1993 from the Head of the Delegation of the People's Republic of China to the Conference on Disarmament addressed to the President of the Conference on Disarmament transmitting the text of a document entitled "Position of the Chinese delegation on Transparency in Armaments"'

(b) Document CD/1206 (also issued as CD/TIA/WP.11), dated 20 July 1993, submitted by the delegation of the United States of America, entitled 'Remarks made by Ambassador Michael Newlin: Deputy Assistant Secretary of State, Bureau of Politico-Military Affairs' on the field of export controls and conventional military equipment and technology

(c) Document CD/1207 (also issued as CD/TIA/WP.12), dated 20 July 1993, submitted by the delegation of the United States of America, entitled 'U.S. arms export system: policy, practices & contacts - September 4, 1992'

(d) CD/TIA/WP.4, dated 18 May 1993, Working Paper by the United States of America on an international data exchange of military holdings and procurement through national production

(e) CD/TIA/WP.5, dated 7 June 1993, Working Paper by the United Kingdom of Great Britain and Northern Ireland, entitled 'An Annual Declaration of the Size and Organization of Armed Forces'

(f) CD/TIA/WP.6, dated 8 June 1993, Working Paper by the United States of America on definitions of terms 'military holdings' and 'procurement through national production'

- (g) CD/TIA/WP.7, dated 10 June 1993, Working Paper by Japan, entitled 'Proposal on the Elaboration of Universal and Non-Discriminatory Practical Means to Increase Openness and Transparency in Armaments'
- (h) CD/TIA/WP.8, dated 10 June 1993, Working Paper by France on definitions of the terms 'military holdings', 'procurement through national production' and 'armed forces'
- (i) CD/TIA/WP.9, dated 10 June 1993, Working Paper by France on the expansion of the United Nations Register of Conventional Arms to cover military holdings and procurement through national production
- (j) CD/TIA/WP.10, dated 5 July 1993, Working Paper by Italy on measures to increase transparency
- (k) CD/TIA/WP.13, dated 2 August 1993, submitted by Germany, entitled 'A Framework for International Data Exchange of Military Holdings and Procurement through National Production'
- (l) CD/TIA/WP.14, dated 3 August 1993, Working Paper by Argentina on a supplementary register for weapons of mass destruction
- (m) CD/TIA/WP.15, dated 13 August 1993, Working Paper by the Islamic Republic of Iran on transparency in armaments and the Conference on Disarmament
- (n) CD/TIA/WP.16, dated 16 August 1993, Working Paper entitled 'Statement of Algeria, Cuba, Egypt, India, Indonesia, Iran, Kenya, Mexico, Pakistan, Sri Lanka and Venezuela' on the Ad Hoc Committee on Transparency in Armaments
- (o) CD/TIA/WP.17 and Corr.1, dated 16 August 1993, Working Paper by Italy, entitled 'Declaration of the conversion/closure of military production facilities'
- (p) CD/TIA/WP.18, dated 18 August 1993, Working Paper by the Russian Federation, entitled 'International data exchange on military holdings and procurement through national production'\*\*\*
- (q) CD/TIA/CRP.2/Rev.3, dated 11 June 1993, entitled 'Timetable of Meetings'
- (r) CD/TIA/CRP.3, dated 19 March 1993, entitled 'Programme of Work'
- (s) CD/TIA/CRP.4, dated 29 July 1993, Conference Room Paper by Italy on the 'Symposium on Transparency in Armaments: the Mediterranean Region,' held in Florence, Italy

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\*\*\* It was agreed that this Working Paper would be discussed next year in the Ad Hoc Committee due to the fact that it was circulated after the substantive work of the Committee was completed.

(t) CD/TIA/CRP.5, dated 23 August 1993, entitled 'Draft Report of the Ad Hoc Committee on Transparency in Armaments'

(u) CD/TIA/INF.1/Add.2, dated 12 May 1993, entitled 'Background Paper pursuant to General Assembly Resolution 47/52 L and 46/36 L, "Transparency in Armaments"'

(v) CD/TIA/INF.2/Rev.1, dated 27 July 1993, entitled 'Statements made in the Conference on Disarmament during the first and second parts of its 1993 session on agenda item 8: Transparency in Armaments (CD/PV.636 - CD/PV.656: 19.01-25.03.1993 and 18.05-24.06.1993)'

(w) CD/TIA/INF.3/Rev.1, dated 24 August 1993, entitled 'Background Paper pursuant to document CD/1173'

"6. Following consultations on the organization of work, at its 2nd meeting, on 22 March 1993, the Ad Hoc Committee adopted the following Programme of Work for the 1993 Session:

'In accordance with operative paragraph 8 of General Assembly Resolution 47/52 L of 15 December 1992 which encourages the Conference on Disarmament to continue its work undertaken in response to the requests contained in paragraphs 12 to 15 of Resolution 46/36 L; and pursuant to the decision by the Conference on Disarmament to establish an Ad Hoc Committee on Transparency in Armaments (CD/1180) for the 1993 session; the Ad Hoc Committee on Transparency in Armaments decides to adopt the following programme of work for 1993:

1. Examination of interrelated aspects, and elaboration of universal and non-discriminatory practical means to increase openness and transparency related to:

- a - excessive and destabilizing accumulations of arms;
- b - military holdings;
- c - procurements through national production.

2. Addressing the problem of, and the elaboration of practical means to increase openness and transparency, in accordance with existing legal instruments, related to:

- a - transfer of high technology with military applications;
- b - weapons of mass destruction.

The Committee will address the above-mentioned issues with a view to examining any proposals and identifying areas of convergence, and will report to the Conference on Disarmament on its work before the conclusion of its 1993 session.'

"III. SUBSTANTIVE WORK DURING THE 1993 SESSION

"7. Various countries reaffirmed or further elaborated their respective positions which they had put forth last year, the detailed descriptions of which can be found in the relevant section of the previous annual report of the Conference on Disarmament, related Conference documents, plenary records and working papers (CD/TIA/WP.1, dated 21 July 1992, submitted by Cuba, entitled 'Transparency in Arms Transfers' and CD/TIA/WP.2, dated 28 July 1992, submitted by France, on the Conference on Disarmament and transparency in armaments). Many countries expressed their views on the item in plenary meetings of the Conference throughout the 1993 session, as contained in its official records.

"8. It was agreed that an increased level of openness and transparency in the field of armaments may enhance trust and confidence among countries, help ease tensions and conflicts, promote stability and strengthen regional and international peace and security. Nevertheless, it was underlined that transparency is not an end in itself, nor is it to be pursued for its own sake. It was also agreed that transparency could contribute to restraint in production and transfers of arms, thus encouraging countries not to seek levels of armaments exceeding their legitimate security requirements and taking due account of the inherent right of individual and collective self-defence as provided for in Article 51 of the Charter of the United Nations. Transparency, coupled with restraint and responsible policies in arms transfers, increases confidence among countries and therefore enhances security and stability in the world. A gradual approach was advocated in the field of transparency in armaments in order to contribute to confidence building and security among countries.

"9. China put forward in CD/TIA/WP.3 its eight-point position of principle on transparency in armaments, which included, inter alia, that appropriate and practicable measures were conducive to the establishment and promotion of international trust and the easing of international tensions, and helped countries to decide upon appropriate levels of armaments; that specific transparency in armaments measures should be appropriate and practicable and formulated jointly by the countries concerned through consultations on an equal footing; that to promote transparency in armaments, countries should all strictly adhere to the purposes and principles of the United Nations Charter and abide by the five principles of peaceful co-existence; and that since different countries and regions face different political, military and security conditions, it was not advisable to insist on superficially uniform transparency in armaments measures. Instead, countries should be allowed to opt for such measures as they deemed fit for their respective situation and conditions.

"10. A large number of countries expressed their views on the United Nations Register of Conventional Arms, stressing its importance and the fact that universal compliance with the requirements of the Register would be a confidence-building measure and would help identify irresponsible and destabilizing arms transfers. They considered the United Nations initiative on Transparency in Armaments, adopted in 1991 by the General Assembly with 150 votes in favour, none against and 2 abstentions, as an important international instrument for transparency.

"11. Argentina referred to the statement made before the plenary of the Conference on Disarmament by the President of Argentina, Dr. Carlos Menem, in which he described efforts aimed at enhancing the process of transparency in armaments as an important and stabilizing factor in international relations at both regional and global levels. President Menem recalled, in this regard, efforts and initiatives being carried out in this sphere in the Latin American region.

"12. Algeria, Cuba, Egypt, India, Indonesia, Islamic Republic of Iran, Kenya, Mexico, Pakistan, Sri Lanka and Venezuela maintained, in CD/TIA/WP.16, that the mandate and Programme of Work of the Ad Hoc Committee on Transparency in Armaments derived from Resolution 46/36 L which set clear boundaries to its time-frame and scope. If there was a need for a review of the present mandate, such a review required a new decision of the General Assembly. They pointed out that there was a need to rationalize and streamline the work of the Ad Hoc Committee and that the work of the Ad Hoc Committee must be solely developed with the aim of gradual expansion of the United Nations Register of Conventional Arms to include all categories and types of arms, including weapons of mass destruction, their stockpiles, indigenous production and weapons undergoing research, development, testing and evaluation. This would help to maintain the delicate balance reached in setting up the Arms Register, whose future expansion to include other categories of armaments was a determining factor in the support given by some countries to Resolution 46/36 L. In this context, the above-mentioned countries also underlined the importance of avoiding multiplication or duplication of independent mechanisms in the field of transparency in armaments. They stated that progress on definitions of terms commonly used in the work of the Ad Hoc Committee was a necessary condition for advancing in its task. They pointed out that the achievement of any substantive and practical progress in this field could only be effective if there was agreement and common understanding on the meaning of the terms used.

"13. Many countries stressed that it was neither in the letter nor the spirit of Resolution 46/36 L to limit in time the mandate of the Conference on Disarmament or to restrict the scope of the tasks entrusted to the Conference in the field of transparency in armaments to questions related solely to the United Nations Register of Conventional Arms.

"14. Australia, Japan and Sweden expressed the view that transparency measures needed to be developed in such a manner as to encourage the widest possible participation. In addition, they felt that if the scope of the Register was expanded too rapidly it could increase the technical difficulties involved with compiling data; thus it should be expanded gradually. Egypt supported the view of Japan that too much transparency might work against national security interests, but believed that this concern should not be used to exclude, a priori, certain categories of weapons from the exercise in transparency. Finland expressed the conviction that the agreed measures to increase openness and transparency had not compromised anyone's legitimate security needs. Sweden specifically suggested that under the category of warships the threshold should be lowered to about 100 tons. India specified that (a) expansion of the Register could be undertaken after a period of two years based on the implementation of the present Register; (b) besides the seven categories listed, other categories could also be included such as



electronic warfare systems, surveillance equipment, various types of helicopters, airborne warning and control systems (AWACs) and force multipliers; (c) format of production of data could be expanded; and (d) attention should be paid to the qualitative as well as quantitative aspects.

"15. Algeria, China and India questioned whether the United Nations Register would: prevent transfers by suppliers which would destabilize a country; serve to reduce excessive military expenditures by recipients; restrain in any manner the arms industries of the major arms suppliers; or reduce the large amount of military exports by the largest arms supplier countries, particularly to regions where tensions and conflicts exist. India stated that while there could be no definitive answers, much would depend on the image of the specific arms transfer, the nature of government and the relationship with its informed public. China emphasized that arms transfer registration must also help to stop interfering in other countries' internal affairs and threatening others' security through arms exports, and that further efforts were needed towards these goals.

"16. The United States proposed a draft decision urging all members and non-members of the Conference on Disarmament to provide the Register's requested data and information to the United Nations Secretary-General by 30 April annually, to begin in 1993, and inviting all members and non-members which submit data and information to the United Nations to exchange informally copies of their national submissions. Many countries supported this draft decision as a timely proposal which fitted well into the responsibility the Conference on Disarmament had been given by the United Nations General Assembly in Resolution 46/36 L. The Group of 21, while not addressing the substance of the proposal, announced that they would need more time to consider such a proposal. China pointed out that this issue should be addressed by the United Nations General Assembly.

"A. Excessive and destabilizing accumulation of arms

"17. Argentina and Italy expressed the view that the question regarding the limit beyond which weapons were excessive concealed a variety of local, regional, cultural, and historical interpretations which would not be possible to unify. In addition, Australia, France, Italy, Japan, the United Kingdom and the United States were of the opinion that it might be difficult for the Ad Hoc Committee to agree, at this stage, on an exact definition of what constituted an excessive and destabilizing accumulation of arms or to distinguish that from what was a reasonable level of arms. Furthermore, they considered that the absence of such a precise definition would not prevent the work of the Ad Hoc Committee in developing practical and concrete measures to increase openness and transparency. Italy, in CD/TIA/WP.10, felt that a gradual approach of successive approximations (including responses to the United Nations Register) might yield an acceptable definition of the security of a nation at the lowest possible level of weapons. Other such measures towards building confidence might include periodic exchanges of military information, budgets, manoeuvres, equipment, control and verification of the data supplied to the Register.

"18. Algeria and Egypt believed the Committee should attempt to identify a common understanding of the relevant terminology of General Assembly Resolution 46/36 L such as 'excessive and destabilizing accumulation of arms', and 'accumulations'. Egypt expressed the opinion that the defensive needs of each country within its regional context must be taken into account when considering the criteria of what constituted 'excessive and destabilizing accumulations of arms'. Additionally, it felt that weapons of mass destruction were both excessive and destabilizing by their very nature.

"19. India stated that a closer examination of paragraph 12 of Resolution 46/36 L relating to the subject revealed that it left open the question of judgement as to who decides what was 'excessive and destabilizing'. Moreover, given the fact that military policies and systems of governments differ so widely throughout the world, this seemed to be a very difficult task.

"20. Various delegations agreed that although there was no definition of legitimate military power or what constituted excessive and destabilizing, Articles 2 and 51 of the United Nations Charter pointed to the proportionate use of armed force for defensive purposes. Argentina and the United States suggested that the London Guidelines for conventional arms transfers, adopted in October 1991, were a good starting point for building international consensus on common principles regarding what were good or bad arms transfers. Russia suggested utilizing the results of agreements in other fora, such as the Treaty on Conventional Armed Forces in Europe. Hungary suggested that the very purpose of openness and transparency should be to unveil inadmissible accumulations of arms in order to provide time for the international community to react appropriately to such irresponsible action. Such an 'early warning' function related to preventive diplomacy could be a new path for the international community.

"21. Nigeria suggested that the Ad Hoc Committee could agree on a number of factors, such as ratio of offensive weapons to defensive weapons, or percentages of military expenditures in national budgets, in order to arrive at what constituted a destabilizing and excessive accumulation of arms. Sweden thought that indicators such as yearly rates of increase in countries' military expenditures and the relation of such expenditures to countries' respective economic strength could be used.

"22. China held the view that efforts on transparency in armaments should focus on the exploration of and deliberation on the principles, concepts and definitions related to transparency in armaments, so as to lay the foundation for further work. It also believed that the first step should be to study the issue of excessive accumulation of arms. China felt that although definitions were difficult, it was still possible to establish standards by using indices such as the percentage of annual GNP devoted to military expenditure; military expenditure in terms of per unit area of a country's territory; number of soldiers per unit area of the territory; per capita annual military expenditure; and annual military cost for each soldier. Such indices, although not exhaustive, could help indicate excessive accumulations of arms without being detrimental to any country's security interests.

"23. France and the United States questioned the use and validity of such indices to determine what was excessive and destabilizing as they were not seen as capable of achieving the desired result. The United States expressed the view that one possible approach was to consider the matter in relation to military holdings and procurement through national production. Germany also suggested that the subject could be approached by adding weapons which are not included on the Register of Conventional Arms, as well as by including more detail for those that are, taking into account the confidence-building value and the administrative and political costs of such additions. It specifically suggested, with regard to the Register, lowering the tonnage threshold for warships, and, for some categories of weapons, a list and description, which could be revised, of known types of weapons for countries to use in categorizing their weapons.

"B. Military holdings and procurement through national production

"24. This topic provoked a great deal of discussion and a number of working papers. Many countries believed that the excessive and destabilizing accumulation of armaments posed a threat to national, regional and international peace and security, particularly by aggravating tensions and conflict situations. One way of addressing this problem was to highlight and examine countries' military holdings and procurement through national production. Italy suggested that the key to expansion of the Register lay in military holdings and procurement through national production. Japan pointed out the need to cope with the question of how to ensure non-discriminatory treatment between countries dependent on importing foreign arms and those whose arms requirements were met from indigenous production. Thus, in its view, openness and transparency ought to be applied to military holdings and procurement through national production as well as to arms transfers. Egypt noted the need to reach a common understanding on the meaning of the terms 'procurement' and 'national production' in order to avoid potential misunderstandings and obstacles in the future. With respect to 'national production', Egypt also raised the question of whether the various modes of production such as 100 per cent locally produced weapons, weapons that were jointly produced, weapons that were only assembled locally, etc. were all forms of 'national production'. Two proposals were made, by France and the United States, to establish an international data exchange of seven major categories of military holdings and procurement through national production (CD/TIA/WP.4 and CD/TIA/WP.9).

"25. The United States tabled CD/TIA/WP.4 as a practical means for increasing the level of openness and transparency in the field of armaments. The United States proposed an international data exchange in which countries would provide annually information concerning their military forces in seven equipment categories. Information would be comprised of total equipment holdings by category and total equipment accepted into service in the past twelve months through national procurement. The United States also submitted CD/TIA/WP.6 to be considered jointly with CD/TIA/WP.4. CD/TIA/WP.6 offered definitions for the terms 'military holdings' and 'procurement through national production'. The United States intended these two working papers to generate discussion and substantive work in the Committee and to highlight the important issues related to military holdings and procurement through national production.

"26. France submitted CD/TIA/WP.8 to be considered jointly with CD/TIA/WP.9. It proposed definitions of the terms 'military holdings', 'procurement through national production' and 'armed forces'. It was intended to facilitate the concrete work of the Ad Hoc Committee by attempting to avoid possible misunderstandings of the meaning to be given those terms. Working Paper 9 concerned the expansion of the scope of the United Nations Register of Conventional Arms to cover 'military holdings and procurement through national production'. It proposed the exchange, on an annual basis (before 30 April each year), of available basic data concerning military holdings and procurement through national production. The information to be supplied should relate to the number of items in the seven categories of conventional arms presently included in the Register. The definitions to be used for each category were those mentioned in the Annex to resolution 46/36 L, as modified in the Report of the Secretary-General (A/47/342) endorsed by the General Assembly in resolution 47/52 L. The available basic data to be exchanged annually should be supplied by disaggregating each category of conventional arms.

"27. Considerable debate and discussion followed the proposals made by the United States and France, which were supported by many countries. Some countries expressed concern over the mechanism for the reporting system for the independent data exchange, as proposed by the United States. The United States explained that since its initiative was a 'stand-alone' proposal, the Conference on Disarmament could engage in a substantive discussion on military holdings and procurement through national production. The United States believed that this discussion could help prepare the groundwork for the possible expansion of the United Nations Register of Conventional Arms, but, at the same time, not prejudice the work and conclusions of the 1994 group of governmental experts. Discussion revolved around definitions of terms such as leased equipment, armaments undergoing research, development, testing and evaluation, as well as modernization, 'accepted into service', licensing of production, the numbers of items and values. There was also an exchange of views on the detail of information to be provided and the degree of disaggregation.

"28. Sweden suggested the possibility that the format of such a data exchange could be negotiated within the Conference on Disarmament as a politically binding agreement to be made globally applicable subsequently by either integrating it into the United Nations Register of Conventional Arms or by submitting it separately to the United Nations General Assembly for approval. Sweden further expressed the view that including among the seven categories missiles and missile launchers could create security policy implications. Maintaining secrecy about the exact numbers and location of such systems was one important way for Sweden, as well as for other smaller countries not belonging to a military alliance, to secure a sufficient defence threshold against potential aggression.

"29. China and India were not able to support the establishment of an international data exchange on military holdings and procurement through national production and believed that further analysis of the initial results of the United Nations Register as well as further study of practicable criteria for determining what constituted excessive accumulation of arms would be advisable for the future. India stated that simultaneity and universality

were the key ingredients for the success of the Arms Register and while some Governments were in a position to provide the information on the above subject because of their own systems, it had reservations on this approach which was trying to upset the delicate consensus reached in setting up the arms register. India further said it was unlikely that data for the United Nations Register which included military holdings and procurement through national production would be conducive to a system of eventual verification which might come about as a result of specific disarmament agreements. Algeria, Egypt, India and Pakistan stressed the voluntary nature of the United Nations Register which would also extend to the expansion of it or another system of reporting. The Islamic Republic of Iran expressed the view, in CD/TIA/WP.15, that military holdings were a major component in the possible expansion of the Register and should include holdings in other territories as well as military support commitments by other countries through bilateral or multilateral agreements and pacts. Further, Pakistan believed that the definition of military holdings ought to include indigenous production, existing stockpiles, leased equipment, improvement of functioning of existing equipment, as well as the next generation of military equipment.

"30. In CD/TIA/WP.13, Germany supported the contents of both the French and United States proposals. In order to promote consensus, Germany - on the basis of the proposal by the United States contained in CD/TIA/WP.4 - suggested broadening the framework for an international data exchange of military holdings and procurement through national production. The thrust of the proposal was to include all weapons and equipment under the control of the reporting country and to focus on numbers of items per category rather than aggregate value numbers. Thus Germany would like to enable as many countries as possible to participate in an additional process of confidence-building. While Germany advocated a data exchange within the framework of the United Nations Register of Conventional Arms, it argued that the Ad Hoc Committee on Transparency in Armaments might leave the technical issue of format for the data exchange to the 1994 group of governmental experts which would review the operation and development of the Register. Belgium, Hungary and Poland supported the proposal of Germany. Sweden held the view that the German proposal could present a practical way of addressing some of the questions of definitions. Japan expressed the view that the proposal of Germany, together with the proposals of the United States and France, were all in the right direction.

"31. Russia believed that though the exchange of data on military holdings and procurement through national production was essential, at the first stage the submission of relevant data should be voluntary. The data should be provided according to the seven categories of the United Nations Register of Conventional Arms in terms of the number of items per category. Russia did not agree with the proposals to include armaments and military equipment that were undergoing research, development, testing and evaluation in the data exchange. In this context, Russia presented CD/TIA/WP.18 containing concrete definitions of the terms 'military holdings' and 'procurement through national production'.

"32. A number of countries expressed the view that one of the most important interrelated aspects of the excessive and destabilizing accumulation of arms was information on armed forces personnel. In this connection, the

United Kingdom submitted CD/TIA/WP.5 on an Annual Declaration of the Size and Organization of Armed Forces. The United Kingdom noted that it was difficult to incorporate all the necessary interrelated aspects of transparency into one measure. A set of complementary measures may be required to help build up a picture of how United Nations Member States meet their legitimate defensive needs without causing mistrust and suspicion. An essential part of this picture was an armed force's capability in terms of its personnel and organization. The United Kingdom therefore proposed a simple annual declaration of the numbers of military personnel and the outline of their organization. Australia, France, Japan and the United States supported the proposal as a measure designed to strengthen transparency and complement other United Nations reports.

"33. This proposal generated discussion about definitions of, among other things, 'authorized personnel' and 'reserve status', and about location and change of location of armed forces. Finland considered that military holdings could be seen in a wider context of military capabilities together with such issues as troops, units and military structures.

"34. China expressed the view that conditions were not ripe for discussing those measures concerning the national possession and procurement of major weapon systems and the size, organization and deployment of armed forces, because given the current world situation and the concrete security environment of various countries and regions, should such measures be enforced on a global scale, it would enhance certain countries' already superior position while the security interests of many others would be compromised. Algeria, Cuba, Egypt, India, Indonesia, the Islamic Republic of Iran, Kenya, Mexico, Pakistan, Sri Lanka and Venezuela, in CD/TIA/WP.16, considered that Working Papers 4, 5 and 13 were not within the mandate of the Ad Hoc Committee. However, the United Kingdom, on behalf of the Western Group, countered that they were within the mandate. Several Eastern European countries expressed their support for the view of the Western Group.

"35. Japan introduced a proposal (CD/TIA/WP.7), on the elaboration of universal and non-discriminatory practical means to increase openness and transparency in armaments. It analysed the question of how to achieve 'non-discrimination' and 'universality' and also the relationship between these two concepts. Japan pointed out that: the scope of the measures should include not only the transfers of weapons, but also military holdings and procurement; the transparency in armaments operation must be simple and clear; and due consideration must be paid to each country's security concerns and flexibly meet specific regional needs. Japan proposed that: categories of weapons to which transparency in armaments operation is applied for military holdings and procurement do not necessarily have to be identical with those for arms transfers; supplemental transparency in armaments operations tailored to regional needs may be developed; and ways may be explored to utilize information made public by national Governments.

"36. Algeria, Cuba, Egypt, India, Indonesia, the Islamic Republic of Iran, Kenya, Mexico, Pakistan, Sri Lanka and Venezuela expressed the view that the issues of non-discrimination and universality were also relevant to the work of the Ad Hoc Committee which must be approached in a way which neither discriminated among countries nor among categories and types of arms.

"37. Sweden expressed the need to link the discussion about transparency in armaments with regional disarmament, and expressed the view that the Conference on Disarmament could play a more active role in this area. Algeria and Australia suggested the possibility of dealing with arms transfers not only on a multilateral level but on a regional level as well. Argentina stressed the importance confidence-building and transparency measures have at the regional level to defuse suspicion and misperceptions among countries. The Islamic Republic of Iran expressed the view, in CD/TIA/WP.15, that transparency in armaments was a confidence-building measure subject to specific military and geographic conditions of different regions. Iran believed that problems were abundant, however, in other regions, particularly where tensions and conflicts prevailed, and that therefore regional cooperation in the area of transparency in armaments should be encouraged, enhanced and strengthened through international assistance.

"38. Further, Italy suggested in CD/TIA/WP.17, as a useful practical means to increase transparency, the declaration of closure or reconversion to peaceful purposes of plants which have performed military production in the past.

"C. Arms transfers and transfer of high technology with military applications

"39. Various countries discussed their relevant national legislations on controls of export, import and transit of weapons materials and products of advanced technology with military applications. Argentina and Italy suggested compiling and comparing such existing laws and regulations and others on transfers of armaments, with a view to harmonizing respective legislation and existing agreements. France recalled its proposal (CD/TIA/WP.2) to pool and analyse information on national legislation and regulations and on export control procedures introduced by the supplier countries in order to facilitate a dialogue between suppliers and recipients of dual use technology. Italy invited members and non-members of the Conference on Disarmament who had adopted legislation on the subject to send such material to the United Nations, as it had done. Further, in CD/TIA/WP.10, it suggested establishing working groups or Friends of the Chairman to examine legal aspects and guidelines for national legislation, improvement of the United Nations Register of Conventional Arms, and other measures to increase reciprocal confidence. Brazil suggested that a large number of countries participate in the elaboration of rules governing transfers and controls of dual use technology.

"40. Argentina, Poland, Romania, Ireland and Senegal suggested establishing agreed guidelines to serve as an international code of conduct to help control arms transfers and activities of weapons suppliers in accordance with universally applicable rules and standards. Romania further suggested that the overall aspects of transparency in armaments could be regulated through an international treaty which would set standards and procedures as well as appropriate implementation mechanisms. The United States made an expert presentation on export controls (CD/TIA/WP.11); presented a Working Paper on the United States arms export system: policy, practices and contacts (CD/TIA/WP.12); urged that the Conference on Disarmament promote restraint in arms exports and imports; and offered to assist others in creating the type of export control process and policy framework to prevent destabilizing transfers of conventional arms.

"41. China and Nigeria felt that countries with the largest and most advanced arsenals had the major responsibility to reduce their weapons exports, especially those of high technology, sophisticated and advanced weapons, and take the lead in making public information on their arsenals and force deployment, production and transfer of arms.

"42. India recalled paragraph 51 of the Final Document of the Jakarta Summit of the Non-aligned Countries which stated that growing restraints being placed on access to technology by the developed countries through imposition of ad hoc control regimes under the pretext of non-proliferation regimes impede the economic and social development of developing countries. India suggested, as a confidence-building measure, the elimination of the Missile Technology Control Regime, the Nuclear Suppliers Group and Australia Group restrictions. China believed that, at present, there existed in the field of transfer of high technology various kinds of unjust and discriminative control and limitation against the developing countries. However, Australia, Canada, France, Germany, the Netherlands, Russia, the United Kingdom and the United States contended that export controls were a necessary complement to international agreements prohibiting transfers or the acquisition of weapons of mass destruction and were designed to implement such commitments. Thus they stressed that these export controls contributed to preventing proliferation of these arms and were in no way intended to prevent the transfer of technology for development. At the same time, the Russian Federation favoured the discontinuation of the COCOM discriminatory practices with regard to Russia and the transformation of this regime into an instrument of constructive interaction of the international community for non-proliferation purposes. Russia also supported the idea of overcoming confrontation on the issue of export controls along the North-South axis through response actions by country suppliers of high technologies and recipient countries. Germany maintained that the parameters of Article XI of the Chemical Weapons Convention provided the solution to the problem, and suggested addressing the question of how transfers of high technology with military applications could be made transparent before tackling more far-reaching measures.

"43. The Islamic Republic of Iran expressed the view, in CD/TIA/WP.15, that no provisions eventually agreed upon should by any means limit the availability of material, equipment and scientific and technological information for peaceful purposes. All export control regimes outside the treaties and conventions in areas where they existed must be eliminated. In other areas, they should be made completely transparent, reduced to the minimum necessary level, and devoid of discrimination with the sole objective of enhancing international security at a lower level of armaments. These regimes should also be eliminated once internationally agreed arrangements came into being.

"D. Weapons of mass destruction

"44. Argentina proposed a supplementary register for the comparison of information obtained from the implementation of relevant treaties and agreements concerning weapons of mass destruction, CD/TIA/WP.14. The proposal of Argentina would consist of a consolidated report of already existing, publicly available information on the degree of implementation of multilateral and bilateral agreements dealing with weapons of mass destruction which, due to their characteristics, often include provisions whose fulfilment is



staggered in time. Thus, the Argentine proposal would aim at providing the international community with an official source of information on the actual situation concerning weapons of mass destruction subject to the terms of relevant agreements. Algeria, Cuba, Egypt, India, Indonesia, the Islamic Republic of Iran, Kenya, Mexico, Pakistan, Sri Lanka and Venezuela supported the Argentine proposal and welcomed, in principle, CD/TIA/WP.7 submitted by Japan. The United States found the Argentine proposal discriminatory, as it would only cover data on Russian and United States nuclear armaments, which was already publicly available, and therefore would not enhance the security of countries around the world. France recalled its proposals (CD/TIA/WP.2) related to possible measures, in conformity with international agreements, aimed at increasing transparency in the field of weapons of mass destruction.

"45. Algeria, Cuba, Egypt, India, Indonesia, the Islamic Republic of Iran, Kenya, Mexico, Pakistan, Sri Lanka and Venezuela expressed the view that the exclusion of certain categories or equipment could prejudice the work of the group of governmental experts to be convened in 1994.

"46. Nigeria expressed the view that, in conformity with the comprehensive and non-discriminatory character of the United Nations Register of Conventional Arms, it should not be limited to conventional weapons but must also include weapons of mass destruction. Canada, France and Russia stated that, due to the specificity of weapons of mass destruction and the international agreements applicable to them, differentiated measures of transparency should be sought for these arms. Therefore, these countries considered that it was not appropriate to call for the addition of weapons of mass destruction to the present United Nations Register of Conventional Arms. They also pointed out the fact that there were already global instruments in place prohibiting transfers or the acquisition of weapons of mass destruction and considered that the international community should continue to seek universal adherence to these instruments. In this connection, Egypt reiterated that, pending the full implementation of the provisions of all global instruments relating to weapons of mass destruction, transparency in the field of weapons of mass destruction should be ensured.

"47. The United Kingdom stressed the need to address the question of conventional weapons rather than focus purely on weapons of mass destruction. In addition, the United Kingdom and the United States asked what practical means, besides the Argentine proposal, delegations were suggesting in order to increase openness and transparency related to weapons of mass destruction. Nigeria and Russia suggested establishing an exchange of data both on the quantity of fissionable materials which resulted from the destruction of nuclear weapons as they were being reduced and on their storage facilities.

#### "IV. CONCLUSIONS AND RECOMMENDATIONS

"48. The work of the first session of the Ad Hoc Committee in the Conference on Disarmament covered a great amount of new ground. The Ad Hoc Committee conducted a substantive exchange of views on a number of complex issues surrounding the subject of transparency in armaments. Many suggestions and working papers were presented on a wide variety of topics, and several of them contained concrete proposals for practical measures to increase openness and transparency. Although agreement has not been reached on these proposals,

countries concurred that many of the issues contained therein were useful for future consideration and work to promote trust, confidence building and stability.

"49. In the light of the above, the Ad Hoc Committee therefore recommends that it be re-established at the beginning of the 1994 session of the Conference on Disarmament."

# CONFERENCE ON DISARMAMENT

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CD/TIA/WP.19  
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LETTER DATED 18 FEBRUARY 1994 FROM THE REPRESENTATIVE OF THE  
UNITED STATES OF AMERICA TO THE CONFERENCE ON DISARMAMENT  
ADDRESSED TO THE PRESIDENT OF THE CONFERENCE ON DISARMAMENT  
CONTAINING THE UNITED STATES VIEWS ON THE CONTINUING  
OPERATION AND FURTHER DEVELOPMENT OF THE UNITED NATIONS  
REGISTER OF CONVENTIONAL ARMS

I have the honour to forward to you a document containing the  
United States Views on the Continuing Operation and Further Development of the  
United Nations Register of Conventional Arms.

Could you please take the appropriate steps to register this document as  
an official document of the Conference on Disarmament as well as a Working  
Paper of the Ad Hoc Committee on Transparency in Armaments, and to have it  
distributed to all member delegations and non-member States participating in  
the work of the Conference.

Sincerely,

(signed) Stephen J. Ledogar  
Ambassador

GE.94-60436 (E)

United States Views on the Continuing Operation and Further Development  
of the United Nations Register of Conventional Arms

Continuing Operation of the Register

The United States was pleased to see that 83 Member States from all regions of the world submitted data and information to the United Nations Register in its first year of operation. The large number of participants during the first year underscores the keen interest the world community has in promoting greater openness and transparency in conventional arms transfers. The first year's result bodes well for continuing operation of the Register. While we are disappointed in the overall quality of the returns, the United States strongly supports continuation of the Register. The United States would, however, like to see many more countries participate than the 83 which did so in 1993. We are thus actively encouraging non-participants to make submissions in the coming years - even if their reports are only nil reports.

Not only does significant participation demonstrate the viability of the Register, but more importantly it establishes openness and transparency in conventional arms transfers as the first truly global confidence-building measure. Although many of the 1993 submissions were nil reports, the large number of participants nevertheless demonstrated that the procedures established for reporting data on transfers to the Register worked fairly well. In this respect, the regional conferences sponsored by the United Nations proved useful both for the instructions they provided and for the opportunity they offered for exchanges of views among national representatives on a wide range of issues relevant to the submissions and to national import/export policies. The United States believes that the 1994 Group of Governmental Experts should take an in-depth look at lessons learned in the first year of operation of the Register.

Since one of the key United States objectives in this transparency measure is to encourage countries to develop national procedures for reviewing the potential impact conventional arms transfers may have on regional and international stability, the United States was pleased that some submissions included, in addition to data on conventional arms transfers, information on national arms import and export policies, legislation, and administrative procedures. The United States would like to see more States contribute such information, including those States submitting only nil reports regarding arms transfers. It is our hope that this compendium on national policies may prove a useful adjunct to the data on transfers. In this respect, the United Nations will be able to make such information available to Member States in some consolidated fashion. The United States considers this valuable reservoir of information an important aspect of the Register.

Regarding specific operational procedures for the Register, as the United States foreshadowed in its submission, there were some inconsistencies in the number of transfers reported by some importing and exporting States due to differences in transfer dates and in the manner in which transfers are defined by different States. As was indicated in the cover letter from Ambassador Albright which forwarded our 1993 submission, the United States

considers a conventional arms transfer to have occurred at the time equipment titles are transferred. While it may be ambitious to expect to achieve a universal definition of transfers, it is the United States view that the 1994 Group of Governmental Experts should work toward this goal. At a minimum, each country should be required to make explicit the definition it employs with its submission.

Regarding the deadline for submissions to the United Nations, the United States notes that while the announced deadline is 30 April of each year, during the first year of operation the Register actually remained open until late October, causing the final United Nations report to be delayed until November. Recognizing that first year delays are to be expected, we would nevertheless encourage adherence to the deadline in the future. We also encourage publication of the Register as soon as possible (May/June) to ensure timely distribution of the data and information.

#### Further Development of the Register

As a result of the first year's experience, the United States is of the view that while the seven categories used for reporting equipment on conventional arms transfers are not ideal for every situation, they represent the best fit for global reporting of conventional arms imports and exports. As a result, the United States strongly supports retaining these seven categories. In this respect, the United States believes that the 1994 Group of Governmental Experts should again examine the existing seven categories and definitions to determine if further adjustments to them are necessary. The United States is also of the view that it could prove useful and productive if the Group of Governmental Experts would also take a closer look at other more complicated issues such as how leased equipment and co-production are to be treated in the context of the Register.

As demonstrated through the United States proposal in the Geneva Conference on Disarmament in the spring of 1993, the United States recommends that United Nations Member States provide available background information on military holdings and procurement through national production as a means of increasing transparency and openness related to conventional arms. The United States remains committed to increasing transparency so that a full and balanced picture of conventional armaments is developed.

On the issues of weapons of mass destruction and the transfer of high technology with military applications, the United States believes that these issues are not yet ripe for addition to the Register, as they were only cursorily touched on in recent Conference on Disarmament discussions. It is the United States view that much more study and discussion will be required before a proper framework for understanding the necessity and means of promoting transparency in these areas can be found. The United States remains prepared to participate in such discussions.

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# CONFERENCE ON DISARMAMENT

CD/1247  
CD/TIA/WP.21  
28 February 1994

Original: ENGLISH

## THE NETHERLANDS

### Views on the complementarity of the responsibilities of the UN Secretary-General and the Conference on Disarmament under the rubric "Transparency in Armaments"

#### Introduction

During the past few years political events have moved at a breathtaking speed and have fundamentally altered the nature of global security concerns. The old East-West confrontation has withered away and the threat of global nuclear war has receded. At present the world situation is in a state of flux and full of uncertainties which make it difficult for states to assess and provide for their legitimate security needs. A major stabilizing factor in this uncertain world is transparency in matters related to military security. Transparency is the key concept for executing the arms control and disarmament agenda of the nineties - it can be described as the new codeword for enhanced security for all. By the adoption of Resolution 46/36 L the UN General Assembly has decided to make openness and transparency in Armaments its objective. The UN Register of Conventional Arms is the concrete instrument to fulfil this objective.

In parallel, the UN General Assembly has requested the Conference on Disarmament to elaborate practical means to increase openness and transparency pertaining to military holdings and procurement through national production, as well as to weapons of mass destruction and transfer of high technology with military applications.

#### The UN Register of Conventional Arms

In October 1993 for the first time a United Nations Secretary-General's consolidated report on Transparency in Armaments (document A/48/344) appeared. Together with its supplements, this Report lists returns for calendar year 1992 submitted by 83 Member States to the UN Register of Conventional Arms. This was a promising start, especially because all major arms suppliers reported and because a significant part, some ninety percent, of the total number of

inter-state arms transfers for the calendar year 1992 was covered.

As for the second consolidated UN Secretary-General's report which will contain returns pertaining to the calendar year 1993, more nations should participate to make the Register truly universal. All UN Member States are urged to report their imports and exports in 1993 of arms covered by the seven categories of the Register to the UN Secretary-General by 30 April 1994. If individual states have no imports or exports of arms to report, it is nevertheless important to file a so-called "nil-return" with the UN Secretary-General. A "nil return" is indicative of a nation's willingness to participate in the transparency drive. Submission of a "nil-return" is an important political gesture.

The transparency process stands only to benefit if more than the roughly 30 states that have hitherto done so, were to provide background information for the Register. Background information should relate to military holdings and procurement through national production, preferably covering the seven categories for arms transfers and following the model of the Standardised Reporting Form used for transfers. Background information should further explain policies concerning arms transfers, and export policies, legislation and administrative procedures regarding the authorisation of arms transfers and the prevention of illicit transfers.

In 1994, a Group of Governmental Experts, established by the UN Secretary-General under operative paragraph 11(b) of UNGA resolution 46/36L, has to prepare a report on the continuing operation of the Register and its further development. With a view to enabling that New York Group to base its findings also on the returns by Member States over calendar year 1993, the above-mentioned deadline - 30 April 1994 - for those returns by Member States to the UN Register becomes all the more important.

#### **The 1994 Group of Governmental Experts on the UN Register of Conventional Arms**

The mandate of the 1994 Group of Governmental Experts in the first place expects them to review the results of the Register in terms of ensuring its continuing operation. This means that the universal and non-discriminatory basis of the Register should be secured and that its overall objective be served. The objective is to enhance transparency, without prejudice to the security of Member States, and to help avoiding destabilizing accumulations of arms. To that end the 1994 Group of Governmental Experts might recommend some slight procedural adjustments to be applied to the Standardised



Reporting Form as well as some adjustments to existing categories.

The second task of the Experts 1994 Group of Governmental Experts is to formulate recommendations on the further development of the Register. This concerns the possible addition of categories of equipment and expansion of the scope of the Register, for instance by including data on military holdings and procurement through national production. Follow-up action of the UN General Assembly on such recommendations will determine the Register's shape and impact for the foreseeable future.

A recommendation for using the Register as an instrument for regional consultation and co-operation is another possibility to be considered.

#### **Responsibilities of the CD relating to Transparency in Armaments**

The Conference on Disarmament has devoted the last two years to the necessary and fruitful exploration of this new subject. Specifically in 1993, CD-delegations have invested in transparency in armaments by indicating national positions, and submitting working papers and practical proposals on the issue.

On this basis, the CD should formulate concrete proposals for increasing openness and transparency in armaments. Such proposals will contribute to building confidence and trust among states and, consequently, will create greater stability, worldwide and regional.

The work of the CD is of direct relevance to the overall transparency process. The CD's responsibility for openness and transparency in armaments is neither restricted in time nor in place. The work of the CD is a continuous part of a "Family of Efforts". Work in Geneva and in New York is complementary: UNGA-resolution 46/36L provides for specific responsibilities of the Register on the one hand and of the Conference on Disarmament on the other. While, at least initially, the purpose of the Register is to increase openness and transparency in relation to conventional arms transfers, the CD has a wider, more general task.

The CD will only fulfil its responsibility properly if, under the rubric Transparency, it designs and develops measures aimed at reducing and, hopefully, preventing aggravation of conflict situations.

The CD should also provide inputs of practical use to the UN Register. Indeed operative paragraph 11(b) of

resolution 46/36L explicitly mentions that the 1994 Group of Governmental Experts should take "into account the work of the Conference on Disarmament as set forth in paragraphs 12 to 15".

In conformity with the global responsibility of the CD for Openness and Transparency it should be stressed that the application of measures designed and developed here can be both worldwide and regional.

As an example of regionally developed measures, the record of the Conference on Security and Cooperation in Europe (CSCE) speaks for itself. The Stockholm CSBM Document of 1986 has been gradually expanded over the years. The present Vienna Document 1992 contains a wide range of confidence building measures:

- an annual exchange of information on military organisation, manpower and major weapons and equipment systems;
- the possibility of verifying that information during evaluation visits;
- a consultation mechanism for unusual military activities;
- a programme of visits (to air bases) and military contacts;
- a communications system for speedy notifications between Foreign Ministries.

At present negotiations about the further development of the Vienna Document continue.

The Treaty on Conventional Armed Forces in Europe, the CFE Treaty, has also increased openness tremendously. In the Treaty ceilings on heavy weaponry (much like the first five categories of the UN Arms Register) have been agreed upon. These ceilings must be reached in November 1995, after a 3 year-reduction period, the first one having transpired some time ago. After the first reduction year 17,000 pieces of equipment have been destroyed or converted. More than 1,000 on-site inspections have taken place, among which quite a number of challenge inspections. Undoubtedly, this large number of inspections contributes considerably to transparency in disarmament.

Numbers and technical data are important, particularly in the framework of the Register. The arms control measures to be elaborated in the CD pertain to major weapons platforms,

categories of weapons with a proven suitability for cross-border offensive actions. These systems are relatively easy to identify, define, record and monitor.

The elaboration by the CD of practical means to enhance openness and transparency does not need to be a technical and specialist operation. The CD's task is political. Excruciating efforts to define precisely holdings, transfers and equipment will not fulfil the objectives of the CD. Practical, down-to-earth measures and designs need to be elaborated that help neighbours to start trusting each other. Political commitment is a conditio sine qua non in building confidence and increasing stability.

**Practical inputs of the CD for the UN Register  
of Conventional Arms**

A number of concrete suggestions can be offered for the implementation of the CD's responsibilities pertaining to Transparency in Armaments.

The CD's Ad Hoc Committee on Transparency in Armaments should enable the 1994 New York Group of Governmental Experts to take into account, inter alia, the work of the CD in preparing its report to the 49th UNGA, according to operative paragraph 11 (b) of resolution 46/36L.

At its first session the UN Secretary-General's 1994 Group of Governmental Experts as a whole felt that they should have sound knowledge of the CD's work on the issue. The Group therefore urged its Chairman to draw the attention of the Chairman of the Ad Hoc Committee on Transparency in Armaments to certain time constraints in relation to the adequate discharge of the CD's responsibilities in this respect (CD/TIA/CRP.6).

The input of the CD would give a useful dimension to the work of the Group. Specifically, views of the CD on practical means to increase openness and transparency related to excessive and destabilizing accumulations of arms, military holdings and procurement through national production will be of direct relevance to both the Group and the Register (the Ad Hoc Committee can draw on a proposal by France on the expansion of the Register to cover military holdings and procurement through national production, CD/TIA/WP.9).

Consequently, at its second session, starting 31 May 1994, the 1994 Group of Governmental Experts should have at its disposal some reflection of the CD's work on Transparency in Armaments.

**Proposals in the CD for practical means to increase  
openness and transparency**

As far as the CD's responsibility in the wider framework of Transparency in Armaments is concerned, concrete suggestions for action can largely be based on existing proposals, submitted to the Ad Hoc Committee on Transparency in Armaments in 1993. The CD should elaborate these proposals with a view to developing confidence-building measures. This does not preclude the consideration of useful new proposals.

In the conventional field the following subjects for confidence-building measures present themselves:

- a) declarations on the size and organisation of armed forces (proposal by the United Kingdom, CD/TIA/WP.5);
- b) declarations on the closure or conversion of military production facilities (proposal by Italy, CD/WP/.17 and Corr.1);
- c) international data exchange of military holdings and procurement through national production (proposal by the United States, CD/TIA/WP.4; proposal by Germany, CD/TIA/WP.13 and proposal by the Russian Federation, CD/TIA/WP.18);
- d) complementary regional measures to enhance Transparency in Armaments (proposal by Japan, CD/TIA/WP.7);
- e) a Code of Conduct (suggestion by Poland yet to be elaborated; similar ideas were brought to the fore by Australia, Ireland, New Zealand and Romania) to bring about voluntary restraint and responsibility in conventional arms transfers.

The Ad Hoc Committee on Transparency in Armaments can certainly do useful work on the acute problem posed by the present-day use of anti-personnel land mines. This question has both political and humanitarian dimensions. The attention of the multilateral arms control community is warranted. Recent initiatives in this respect were embodied in resolutions adopted during the 48th session of the UN General Assembly last year.

Now, the CD is seized of this issue, as is the UN Secretary-General's 1994 Group of Governmental Experts on the UN Register of Conventional Arms. There is, however, a slight danger that well-intended efforts might suffer from fragmentation and lack of focus. Without prejudice to the

ultimate forum to be chosen, what the Ad Hoc Committee can do at least is work towards a consensus view on the proper parameters for action.

The CD's mandate further includes the elaboration of practical means to increase openness and transparency related to weapons of mass destruction. Discussions in the CD on this contentious issue are still in a preliminary phase. It seems useful to make a distinction here between transfers on the one hand and holdings and procurement on the other. After the entry into force of the Chemical Weapons Convention - to be expected in about a year's time - there will exist a coherent interlocking network of international agreements prohibiting any transfer of any weapon of mass destruction.

As for holdings and procurement of nuclear weapons and other nuclear explosive devices, the Nuclear Non-Proliferation Treaty recognises the existence of five Nuclear Weapon States. All other holdings and procurement of nuclear weapons are prohibited by international law. The Geneva Protocol, the Chemical Weapons Convention and the Biological Weapons Convention between them prohibit any design, possession, production and use of chemical and biological weapons respectively.

The basic assignment of the Conference on Disarmament could be to ensure that the transparency-process would in due course yield comprehensive data and information on military outlays as well as on aggregate military force structures.

A good deal of information on nuclear holdings is, however, already in the public domain. For instance, the full texts of treaties like START and START II are issued as documents of the CD, and are thus widely disseminated. These texts provide information on the size of the nuclear arsenals of the two states concerned.

Important support for making progress is to be derived from the almost universal adherence to the NPT and the IAEA Safeguards System. Regional arrangements, like the Euratom Treaty, and zones free of nuclear weapons or nuclear-free zones, such as the ones established by the recently reinforced Treaty of Tlatelolco and the Rarotonga Treaty are further invaluable mechanisms conducive to a general environment of cooperative security and trust. The same holds true, mutatis mutandis, for the brand new Convention on Chemical Weapons, with its innovative verification provisions.

As additional practical means to increase Openness and Transparency in nuclear matters, the Conference on Disarmament could consider:

- a) A Confidence Building Measure under which Nuclear Weapon States might voluntarily supply more information on their nuclear arms holdings and the scale of the reductions of those holdings (Argentina has tabled proposals in this respect, CD/TIA/WP.14).
- b) A policy of transparency with regard to plutonium stocks which could ease the future elaboration of a "cut-off"-treaty and which would be another step along the way indicated in article VI of the NPT.
- c) Recommendations for advance notification of major military manoeuvres involving nuclear arms.

Resolution 46/36 L further requests the CD to address the issue of transfers of high technology with military applications. While elaborating the practical means requested by the General Assembly, the Conference on Disarmament may establish that export controls are a necessary complement to international agreements prohibiting transfers or the acquisition of weapons of mass destruction. States that do abide by the international commitments appertaining thereto have no reason to worry about export control regimes.

#### Conclusion

The CD is capable of developing valuable recommendations for concrete measures to increase Openness and Transparency, on the basis of the above-mentioned and other, additional, proposals. It is a "Family of Efforts" which contributes to the success of the Transparency in Armaments exercise, now an object of consensus. These efforts are intended to encourage responsibility and self-restraint. The overall objective is co-operative security. In this way disarmament and international security are truly approached in an integrated manner.

At the national level, the prospect is held out of reallocation of scarce socio-economic resources, without detriment to the security of Member States. A secure environment attracts investments.

There are many meaningful patterns of action which the CD and its AHC/TIA can develop to further Transparency with regard to holdings and procurement through national production. Design and development of significant practical means are within reach of the CD. Such action will foster the UN Register of Conventional Arms.

Furthermore, in extending, in a tangible fashion, the transparency concept to the development of parallel measures, both in the domain of weapons of mass destruction and with regard to transfers of high technology with military

applications, the CD will be executing the mandate entrusted to it by the UN General Assembly to the full.

Transparency is a process which has a clearly defined pattern of further growth. A "Family of Efforts", consisting of formal and informal approaches, both within and outside the United Nations system, at international, regional, and sub-regional levels is well underway to execute a new, challenging security agenda.

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# CONFERENCE ON DISARMAMENT

CD/1257  
CD/TIA/WP.25  
17 May 1994

Original: ENGLISH

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LETTER DATED 17 MAY 1994 FROM THE REPRESENTATIVE OF  
ROMANIA TO THE CONFERENCE ON DISARMAMENT ADDRESSED  
TO THE PRESIDENT OF THE CONFERENCE ON DISARMAMENT  
CONTAINING THE ROMANIAN VIEWS AND A WORKING PAPER  
ON THE PROPOSAL FOR A CODE OF CONDUCT FOR THE  
INTERNATIONAL TRANSFERS OF CONVENTIONAL ARMS

I have the honour to forward to you a document containing the Romanian views and a Working Paper on the "Proposal for a code of conduct for the international transfers of conventional arms".

I would appreciate it very much if you take the appropriate steps to register this document as an official document of the Conference on Disarmament as well as a Working Paper of the Ad Hoc Committee on Transparency in Armaments, and to have it distributed to all member delegations and non-member States participating in the work of the Conference.

(Signed) Romulus Neagu  
Ambassador

GE.94-61422 (E)

ROMANIA

Working Paper

PROPOSAL FOR A CODE OF CONDUCT FOR THE INTERNATIONAL  
TRANSFERS OF CONVENTIONAL ARMS

The structural changes of the international relations have brought the end of the cold war and eliminated the threat of a military East-West confrontation and artificial borders in the way of developing normal relations between all nations.

On the other hand, this period of transition is more than ever full of conflicts and convulsions, risks and uncertainties. There is no doubt that instability and tension will considerably enhance the natural cost of political, economic and social transformations within different regions of the world.

Under the current circumstances, the common awareness of risks and challenges should represent an important stimulus for cooperation.

In recent years, this increasing awareness has underlined the importance of transparency in armaments in relation to enhancing international security. The promotion of transparency would encourage prudent restraint by nations in trading in arms and reduce misunderstandings and tensions caused by lack of information.

A number of recent developments suggest that there is a recognition of the need to exert greater control over transfers of conventional weapons.

The London Economic Summit of the Group of Seven Industrialized Nations (G7) adopted in July 1991 a "Declaration on Arms Transfers and Nuclear, Chemical and Biological Weapons Non-Proliferation" which set out the need for transparency, consultation and action in order to ensure that countries could never again acquire massive arsenals that went far beyond the needs of self-defence.

In the Declaration issued after their meeting on 17-18 October 1991, the five permanent members of the United Nations Security Council adopted common guidelines for the transfer of conventional weapons and agreed to continue discussing the possibilities for lowering tension and arms level, including the development of further measures of restraint concerning arms transfers.

In the CSCE Forum for Security Cooperation in Vienna, the participating States tabled a proposal on "Principles governing conventional arms transfers", recalling that in Prague, on 30 January 1992, "they agreed that effective national control of weapons and equipment has acquired the greatest importance and decided to include the question of establishment of a responsible approach to arms transfers as a matter of priority in the work programme of the post-Helsinki arms control process".

In the efforts of increasing openness and transparency in armaments, in order to make military behaviour more predictable and to reassure concerned States of the non-threatening intentions of potential rivals, the United Nations Register of Conventional Arms - officially established as of 1 January 1992 - is founded on the long-standing basic principles of cooperative security among States.

Romania believes that far-reaching international action is needed to promote restraint and transparency in the transfer of conventional weapons.

In this respect, it might be useful to establish an appropriate frame for consultation and action in order to ensure that countries could never again acquire arsenals that go far beyond the needs of self-defence.

To this end, Romania proposed at the previous session of the Conference on Disarmament that such a frame should be elaborated to bring about responsibility in arms transfers.

In his address to the plenary of the CD on 16 June 1993, the President of Romania, Mr. Ion Iliescu, stated:

"Conventional arms are, obviously, more frequently used in the hot points of our planet and they often represent a main destabilizing factor. Moreover, the balance of forces established in time or by international agreements in various sensitive regions and zones can be undermined through preferential conventional arms transfer policies.

In the future, the overall aspects regarding transparency in armaments could be regulated in an international treaty of universal vocation, which would set standards and procedures, as well as appropriate implementation mechanisms.

In order to break the ground for such a comprehensive and complex work, a first stage could be aimed at agreed guidelines to serve as an international code of conduct. The experience in this field of the five permanent members of the Security Council could represent a starting point and a useful contribution for the future efforts of the Geneva Conference, as well as those of the United Nations, the CSCE and various regional bodies."

In this respect, a Code of Conduct is intended to establish a universal and non-discriminatory principles and criteria to be followed by subscribing States in considering arms transfers.

Romania shares the view that there is a responsibility on arms-producing States to ensure that their weapons exports do not contribute to instability or conflicts in other countries or regions and that there is a need that importing countries exercise responsibility and restraint in their procurement policies as well.

For this reason, we consider that the Code of Conduct should be open to all States.

Romania considers that the Code of Conduct should consist of a set of guidelines, namely a list of politically-binding principles and criteria on which arms export and import policies of subscribing States should be based.

The Code would apply to transfers of the seven categories of conventional weapons and equipments on which States are requested to supply data to the United Nations Register: battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, and missiles and missile launchers. The addition of further categories, taking into account significant technical developments, could be considered according to the provisions of the United Nations General Assembly resolution 46/36 L.

The subscribing States will provide data and information according to the requirements of the United Nations General Assembly resolution establishing the Register of Conventional Arms, which could be an important part of the international Code of Conduct for the purposes of increasing transparency in arms transfers, in accordance with universally applicable rules and standards.

In establishing a mechanism for the application of the Code of Conduct, some political and technical key problems should, inter alia, be considered:

(a) key political problems:

- each State's right to security;
- the importance of trade to the economies of the concerned countries and, in this frame, the legitimacy of conventional weapons transfers;
- through GATT, Governments have stressed the need to stimulate trade and remove barriers to the free movement of goods;
- the continued use of weapons to support and promote foreign and security policy.

(b) key technical problems:

- monitoring the physical movement of goods (especially in re-export situation);
- verifying delivery to, as well as diversion within the recipient country;
- defining the limit beyond which armaments are excessive and destabilizing.

The elaboration of the Code could be undertaken in the framework of the Conference on Disarmament and the text could be submitted to the First Committee of the United Nations General Assembly.

This would be consistent with the work undertaken by the CD in response to the requests contained in United Nations General Assembly resolution 46/36 L.

PROPOSAL FOR A CODE OF CONDUCT FOR THE INTERNATIONAL  
TRANSFERS OF CONVENTIONAL ARMS

BASIC PRINCIPLES

- The recognition of the legitimacy of conventional arms transfers to meet the security and defense needs.
- The reaffirmation of the importance which should be attached to the goal of increasing openness and transparency in armaments essential to enhance mutual confidence.
- the promotion of the establishment of international peace and stability and of undiminished security for all States.
- The commitment that arms transfers are made and used in accordance with the purposes and principles of the Charter of the United Nations.
- The need to preserve regional and international peace, security and stability.
- The prevention of excessive and destabilizing accumulation or armaments, considering that such accumulations pose a threat to national, regional and international peace and security, particularly by aggravating tensions and conflict situations.

CRITERIA

- (a) To be followed in considering arms transfers:
- The needs to enable the recipient country to exercise its right to individual or collective self-defence in accordance with Article 51 of the Charter of the United Nations.
  - The respect for the international commitments of the subscribing States, in particular on the non-use of force and on the non-proliferation, agreements on arms control and disarmament, as well as other international obligations such as the enforcement of the United Nations Security Council sanctions.
  - The respect for human rights and fundamental freedoms in the recipient country.
  - The purpose for which the arms transfers are being made and in particular whether they will contribute to an appropriate and proportionate response by the recipient State to the security and military threats confronting it or will enable the recipient

country to participate in peace-keeping or other measures consistent with the United Nations Charter or other regional arrangements.

- The legitimate domestic security needs of the recipient country.
- (b) To be followed for avoiding transfers that might:
  - Be used for the violation or suppression of human rights and fundamental freedoms.
  - Affect national security of other subscribing States and of territories whose external relations are the responsibility of a subscribing State.
  - Prolong or aggravate an existing conflict, taking into account the legitimate requirement for self-defence as well as the respect of arms control and disarmament agreements or sanctions adopted by the Security Council.
  - Endanger peace, increase tensions and contribute to regional instability or introduce destabilizing military capability into a region.
  - Be diverted within the recipient State or be re-exported for purposes contrary to the aims of the Code of Conduct.
  - Be used for the purpose of repression, for supporting or encouraging terrorism or other than for the legitimate defense and security needs of the recipient country.

#### MECHANISM

The Code of Conduct would mark a specific progress in the process of bringing arms trade under international control, started with the decision to establish the United Nations Register of Conventional Arms in December 1991 (resolution 46/36L).

An agreed mechanism is a prerequisite for dialogue on security matters, especially in sensitive fields, and a realistic picture of arms transfers can only be constructed by States on a cooperative basis.

The subscribing States will provide data and information according to the requirements of the United Nations General Assembly resolution establishing the Register of Conventional Arms, which could be an important part of the international Code of Conduct, for the purposes of increasing transparency in arms transfers, in accordance with universally applicable principles and criteria.

The data will be provided annually, not later than 30 April, and could also include information on national legislation and policies in the field of arms transfers, as well as information on export control mechanisms of those transfers.

The institutionalization of periodic consultations at the political and, wherever necessary, military levels on the application of the Code should be realized.

The subscribing States will cooperate in order to establish efficient mechanism for the national control of arms transfers and to avoid illicit transfers.

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# CONFERENCE ON DISARMAMENT

CD/1259  
CD/TIA/WP.26  
24 May 1994

Original: ENGLISH

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LETTER DATED 24 MAY 1994 FROM THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE CONFERENCE ON DISARMAMENT ADDRESSED TO THE PRESIDENT OF THE CONFERENCE ON DISARMAMENT ENCLOSING A DOCUMENT ON BEHALF OF BELGIUM, CANADA, FRANCE, GERMANY, ITALY, THE NETHERLANDS, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE UNITED STATES OF AMERICA CONTAINING A WORKING PAPER ON MILITARY HOLDINGS AND PROCUREMENT THROUGH NATIONAL PRODUCTION

I have the honour to forward to you a document on behalf of Belgium, Canada, France, Germany, Italy, The Netherlands, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. This document elaborates a working paper on military holdings and procurement through national production.

Could you please take the appropriate steps to register this document as an official document of the Conference on Disarmament as well as a Working Paper of the Ad Hoc Committee on Transparency in Armaments, and to have it distributed to all member delegations and non-member States participating in the work of the Conference.

(Signed) Stephen J. Ledogar  
Ambassador

GE.94-61591 (E)

BELGIUM, CANADA, FRANCE, GERMANY, ITALY, THE NETHERLANDS,  
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, AND  
THE UNITED STATES OF AMERICA

WORKING PAPER ON MILITARY HOLDINGS AND PROCUREMENT  
THROUGH NATIONAL PRODUCTION

1. Operative paragraph 5 of United Nations General Assembly resolution 48/75E of 16 December 1993 encourages the Conference on Disarmament to continue its work undertaken in response to the request contained in paragraphs 12 to 15 of resolution 46/36L. Paragraph 12 of resolution 46/36L requests the Conference on Disarmament to address, as soon as possible, the question of the interrelated aspects of the excessive and destabilizing accumulation of arms, including military holdings and procurement through national production, and to elaborate universal and non-discriminatory practical means to increase openness and transparency in this field.
2. On 25 January 1994, the Conference on Disarmament established an ad hoc committee on Transparency in Armaments for the 1994 session (CD/1239). As provided in resolution 46/36L and in accordance with its 1994 programme of work (CD/TIA/CRP.8), the ad hoc committee considered, *inter alia*, the question of military holdings and procurement through national production.
3. It is of importance to develop non-discriminatory practical means in this field, because this will constitute a further important step forward in the promotion of transparency in military matters. A confidence-building measure whereby States would, on a voluntary basis, provide data on their military holdings and procurement through national production would enhance openness mainly in relation to States that do not depend predominantly or exclusively on arms imports to meet their defence requirements. In combination with existing transparency measures relating to conventional arms transfers, such a confidence-building measure would contribute toward a more balanced approach to the concept of transparency in armaments.
4. The ad hoc committee did not attempt to elaborate precise and detailed technical definitions of what constitutes military holdings and procurement through national production respectively. However, to enable the elaboration of a global confidence-building measure, it is necessary to have at least a common understanding of the terms "military holdings" and "procurement through national production", as well as the term "armed forces", leading to definitions in broad outline.
5. On the basis of the available working papers and the discussion the ad hoc committee held on military holdings, military holdings comprise conventional armaments and equipment which are under the operational control of the armed forces within and beyond its land territory. This will include all conventional armaments and equipment: in active units, in depots, in storage, in prepositioned stocks, in non-activated units, undergoing repair or maintenance, undergoing modernization or upgrading. It will in principle exclude: equipment undergoing manufacture, testing or evaluation; equipment used for research and development purposes; equipment belonging to historical collections; and equipment awaiting export, decommissioned, or undergoing

destruction. Each United Nations member State is expected to report all conventional armaments and equipment which it considers to be of military significance.

6. On the basis of the available working papers and the discussions the ad hoc committee held on procurement through national production, procurement through national production means all conventional armaments and equipment which have been placed under the operational control of the armed forces. This includes production from commercial or government-owned sources, as well as national procurement from programmes in which United Nations member States are collaborative partners.

7. The ad hoc committee did not attempt yet to define the term "armed forces" or "military forces". In providing data on military holdings and procurement through national production, United Nations member States would be nevertheless invited, as a measure to enhance transparency, to indicate the type of forces to which these data apply.

8. A confidence-building measure on military holdings and procurement through national production, as described above, would be most effective if the data to be provided under such a measure would be reported to the United Nations register of conventional arms. Paragraph 8 of resolution 46/36L mentions inclusion of data on military holdings and procurement through national production as one of the possible modalities for early expansion of the scope of the register.

9. Accordingly, United Nations member States would be called upon to provide data on military holdings by 30 April of each calendar year reflecting the situation as of the preceding year. United Nations member States would also be requested to report by 30 April of each calendar year the procurement which took place within the preceding year.

10. United Nations member States would be called upon to provide data on military holdings and procurement through national production in the seven existing categories of the United Nations register of conventional arms. Those categories are battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, and missile and missile launchers. (For a definition of the categories, see the report of the 1992 panel of governmental experts, A/47/342 of 14 August 1992, para. 14.)

11. United Nations member States would provide the data on their military holdings and procurement through national production on an appropriate reporting form, either through expansion of the current matrix for data on arms transfers or on a separate reporting form.

12. Both for military holdings and procurement through national production, United Nations member States would provide data on the aggregated number of items in each of the seven categories of the register. United Nations member States also are invited to provide any additional information they wish in the remarks column in the respective reporting form.

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# CONFERENCE ON DISARMAMENT

CD/1260 \*  
CD/TIA/WP.29 \*  
6 June 1994

Original: ENGLISH

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LETTER DATED 30 MAY 1994 FROM THE DEPUTY HEAD OF DELEGATION OF THE  
FEDERAL REPUBLIC OF GERMANY TO THE CONFERENCE ON DISARMAMENT  
ADDRESSED TO THE PRESIDENT OF THE CONFERENCE ON DISARMAMENT  
ENCLOSING A DOCUMENT CONTAINING THE COMMENTS OF THE FEDERAL  
REPUBLIC OF GERMANY ON THE MAINTENANCE OF THE UNITED NATIONS  
REGISTER OF CONVENTIONAL ARMS AND ITS POSSIBLE FURTHER DEVELOPMENT

I have the honour to forward to you a document containing the Comments of  
the Federal Republic of Germany on the Maintenance of the United Nations  
Register of Conventional Arms and its Possible Further Development.

I would appreciate it very much if you could take the appropriate steps  
to register this document as an official document of the Conference on  
Disarmament as well as a Working Paper of the Ad Hoc Committee on Transparency  
in Armaments, and to have it distributed to all member delegations and  
non-member States participating in the work of the Conference.

(Signed): Dr. Stephan Keller  
Deputy Head of Delegation

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\_\*/ Reissued for technical reasons.

GE.94-62082

Comments of the Federal Republic of Germany on the Maintenance  
of the United Nations Register of Conventional Arms and its  
Possible Further Development

The Federal Republic of Germany communicates herewith considerations on the maintenance of the United Nations Register during the first two years, on the inclusion of further categories of armaments, and on extending the Register to include data on military holdings and procurement through national production.

The considerations are based on

- the evaluation of notifications received for the calendar year 1992;
- the responses received at the beginning of February 1994 from the group of Government experts appointed by the Secretary-General relating to their first working session at the beginning of February 1994; and
- the results of the regional conferences held under the auspices of the United Nations at the beginning of 1993.

I.

The purpose of the United Nations Register is to secure, on a global basis, openness and transparency in armaments, to promote confidence-building and thus to prevent miscalculations deriving from the presumed military intentions of States.

Against this background it is necessary to increase the Register's acceptability and ensure the widest possible participation. Only thus can it serve its main purpose as a global confidence-building measure. Initially, therefore, the Register's consolidation and optimization should have priority over its further development.

The participation of 83 States in the first exchange of information in respect of the year 1992, and especially the fact that about 90 per cent of all arms transfers were accounted for, is a positive result. On the other hand, less than half of all United Nations Members have registered their transfers. There are also significant regional differences. The United Nations regional organizations and each individual Member of the United Nations should take suitable steps to secure the Register's worldwide validity.

The discrepancies and technical deficiencies with regard to the notifications made during the first year under review can be considered soothing troubles. We expect the notifications for 1993 to be substantially better as to both form and substance. None the less, the Register should be kept clear and simple in order to encourage wider participation.

The four regional seminars sponsored by the United Nations have been useful and similar ones should be held especially in the regions where the United Nations Register has so far met with little response.

As regards the divergencies in the interpretation of the category definitions and on the question of what constitutes an arms transfer, agreement should be sought by the group of Government experts and the ad hoc committee on transparency in armaments of the Geneva Disarmament Conference. One pragmatic approach would be for each country to state its definition of an arms transfer as an additional, obligatory item on the notification form. A further clarification is also required with regard to complex bilateral/multilateral joint production projects which up to now have led to the submission of reports which do not correspond with one another.

Where possible additional background information should be included in every report. The same applies to information on national holdings. It would therefore seem logical to use for this information the arms categories that apply to the notification of exports and imports.

This additional information should be made available as soon as possible by the United Nations Secretariat, together with data on imports and exports, in the form of a comprehensive, consolidated report.

## II.

The deliberations on the register's further development focus on three main aspects:

- the formats for notifications;
- the refinement of the existing categories, i.e. the introduction of subcategories;
- extension of the register.

The formats have generally served the intended purpose. It is urgently necessary to introduce a heading under which each country can give its definition of a weapons transfer. Greater use should be made of the "remarks" column, to include for instance details on types, calibre and other specifications of weapons systems or particularities regarding the transfer of weapons systems resulting from co-production. This kind of information, too, should be made mandatory.

Experience shows that the present seven main weapons categories have not in every case been defined as precisely as would be desired but on the whole represent a balanced compromise which has proved adequate for the time being. On the other hand, there is room for careful and step-by-step improvements. For instance, the proposal for further restricting the tonnage of warships is worth consideration. As regards the notification of missiles and delivery systems, it would appear expedient to count them separately. Further consideration should also be given to the suggestion that delivery systems need not be notified at all since they are usually fully integrated into the

weapons systems covered by categories III, IV and VI (artillery systems, combat aircraft, warships) and the present counting method may give rise to uncertainty.

The tendency towards extending the register appears particularly promising. Reports on national military stocks procurements from domestic production should be a mandatory element of every notification. In this way even countries that do not export or import weapons could be actively involved in the notification regime, thus making for much greater global transparency and confidence-building. Suggestions for further improvements are currently being discussed in the ad hoc committee on transparency in armaments of the Geneva Disarmament Conference. The results of their deliberations, too, should be made available to the group of Government experts.

### III.

The Federal Republic of Germany will continue to play an active part in the further development of the United Nations Weapons Register in order to ensure that, after a good start, this confidence-building instrument can be globally applied. It would seem expedient for the United Nations Secretary-General to call another meeting of experts to review the maintenance of the register and the possibilities for its further development on the basis of the experience gained to date.

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# CONFERENCE ON DISARMAMENT

CD/1281

13 September 1994

Original: ENGLISH

## REPORT OF THE CONFERENCE ON DISARMAMENT TO THE GENERAL ASSEMBLY OF THE UNITED NATIONS

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#### H. Transparency in Armaments

36. At its 691st plenary meeting on 6 September 1994, the Conference adopted the report of the Ad Hoc Committee re-established by the Conference under the agenda item at its 666th plenary meeting (see para. 6 above). That report (CD/1274 as amended at the 691st plenary meeting), is an integral part of this report and reads as follows:

##### "I. INTRODUCTION

"1. At its 666th plenary meeting, on 25 January 1994, the Conference on Disarmament decided to re-establish the Ad hoc Committee on Transparency in Armaments for its 1994 session with the mandate as contained in document CD/1150.

"2. At its 668th plenary meeting, on 1 February 1994, the Conference on Disarmament appointed Ambassador György Boytha of Hungary as Chairman of the Ad hoc Committee. Mr. Jerzy Zaleski, Political Affairs Officer, Centre for Disarmament Affairs, served as Secretary of the Ad hoc Committee.

"II. ORGANIZATION OF WORK AND DOCUMENTS

"3. The Ad hoc Committee held 22 meetings from 15 February to 29 August 1994.

"4. In accordance with the decision of the Conference adopted at its 603rd plenary meeting on 22 August 1991, the Ad hoc Committee was open to all non-member States invited by the Conference, upon their request, to participate in its work.

"5. Following consultations on the organization of work, at its third meeting, on 1 March 1994, the Ad hoc Committee adopted the following Programme of Work for the 1994 Session:

'In accordance with operative paragraph 5 of United Nations General Assembly resolution 48/75 E of 16 December 1993 which encourages the Conference on Disarmament to continue its work undertaken in response to the requests contained in paragraphs 12 to 15 of resolution 46/36 L, and pursuant to the decision by the Conference on Disarmament to establish an Ad hoc Committee on Transparency in Armaments (CD/1239) for the 1994 session, the Ad hoc Committee on Transparency in Armaments decides to adopt the following programme of work for 1994:

- '1. Examination of interrelated aspects, and elaboration of universal and non-discriminatory practical means to increase openness and transparency related to:
  - a - excessive and destabilizing accumulation of arms;
  - b - military holdings;
  - c - procurement through national production.
- '2. Addressing the problem of, and the elaboration of practical means to increase openness and transparency, in accordance with existing legal instruments, related to:
  - a - transfer of high technology with military applications;
  - b - weapons of mass destruction.

'In accordance with section "H. Transparency in Armaments" of the 1993 annual report of the Conference on Disarmament (CD/1222) and paragraph 48 in particular, the Ad hoc Committee will address the above mentioned issues with a view to examining existing and any new proposals and identifying areas of convergence. The Ad hoc Committee, having also taken due note of the request of the General Assembly to the Secretary-General of the United Nations in paragraph 11 (b) of resolution 46/36 L, to take into account the work of the Conference in his preparation of a report in 1994 on the continuing operation of the United Nations Register and its further development, will report to the Conference on Disarmament on its work before the conclusion of its 1994 session.'

"6. In addition to the documents of the previous sessions related to this item, the following official documents were submitted during the annual session:

- CD/1246 (also issued as CD/TIA/WP.19), dated 21 February 1994, submitted by the delegation of the United States of America, entitled 'Letter dated 18 February 1994 from the Representative of the United States of America to the Conference on Disarmament addressed to the President of the Conference on Disarmament containing the United States views on the continuing operation and further development of the United Nations Register of Conventional Arms';

- CD/1247 (also issued as CD/TIA/WP.21), dated 28 February 1994, submitted by the delegation of the Netherlands, entitled 'Views on the complementarity of the responsibilities of the UN Secretary-General and the Conference on Disarmament under the rubric "Transparency in Armaments"';

- CD/1257 (also issued as CD/TIA/WP.25), dated 17 May 1994, submitted by the delegation of Romania, entitled 'Letter dated 17 May 1994 from the Representative of Romania to the Conference on Disarmament addressed to the President of the Conference on Disarmament containing the Romanian views and a working paper on the proposal for a Code of Conduct for the international transfers of conventional arms';

- CD/1259 (also issued as CD/TIA/WP.26), dated 24 May 1994, submitted by the delegation of the United States of America, entitled 'Letter dated 24 May 1994 from the Representative of the United States of America to the Conference on Disarmament addressed to the President of the Conference on Disarmament enclosing a document on behalf of Belgium, Canada, France, Germany, Italy, the Netherlands, the United Kingdom of Great Britain and Northern Ireland and the United States of America containing a working paper on military holdings and procurement through national production';

- CD/1260 (also issued as CD/TIA/WP.29), dated 6 June 1994, submitted by the delegation of the Federal Republic of Germany, entitled 'Letter dated 30 May 1994 from the Deputy Head of Delegation of the Federal Republic of Germany to the Conference on Disarmament addressed to the President of the Conference on Disarmament enclosing a document containing the comments of the Federal Republic of Germany on the maintenance of the United Nations Register of Conventional Arms and its possible further development'.

"7. The following Working Papers were presented to the Committee during the annual session:

- CD/TIA/WP.19 (also issued as CD/1246);

- CD/TIA/WP.20, dated 25 February 1994, submitted by the delegation of the United States of America, entitled 'Statement by the United States of America on behalf of the Western Group';

- CD/TIA/WP.21 (also issued as CD/1247);

- CD/TIA/WP.22, dated 3 March 1994, submitted by the delegation of the People's Republic of China, entitled 'Letter dated 3 March 1994 from the

Head of the Delegation of the People's Republic of China to the Conference on Disarmament addressed to the Chairman of the Ad Hoc Committee on Transparency in Armaments transmitting a "Statement by the Chinese delegation";

- CD/TIA/WP.23, dated 10 March 1994, submitted by the delegation of the People's Republic of China, entitled 'Position of the Chinese delegation on transparency in military holdings and procurement through national production and the question of the United Nations Register of Conventional Arms';

- CD/TIA/WP.24, dated 28 March 1994, submitted by the delegation of the People's Republic of China, entitled 'Position of the Chinese Delegation on the question of excessive and destabilizing accumulation of arms';

- CD/TIA/WP.25 (also issued as CD/1257);

- CD/TIA/WP.26 (also issued as CD/1259);

- CD/TIA/WP.27, dated 24 May 1994, entitled 'Working Paper submitted by India';

- CD/TIA/WP.28, dated 26 May 1994, submitted by the delegation of the Netherlands, entitled 'Proposal for a confidence-building measure on the global exchange of military information concerning the organization, structure and size of armed forces';

- CD/TIA/WP.29 (also issued as CD/1260);

- CD/TIA/WP.30, dated 25 July 1994, submitted by the delegation of Italy, entitled 'A possible C.B.M.: declaration of the conversion/closure of military production facilities';

- CD/TIA/WP.31, dated 4 August 1994, submitted by the delegation of the Russian Federation, entitled 'International data exchange on military holdings and procurement through national production';

- CD/TIA/WP.32, dated 4 August 1994, submitted by the delegation of Egypt, entitled 'Statement on transparency in armaments by Algeria, Cuba, Egypt, Ethiopia, India, Indonesia, Islamic Republic of Iran, Kenya, Mexico, Myanmar, Nigeria, Pakistan, Peru, Sri Lanka, Venezuela and Zaire'.

"8. In addition, the following conference room papers were before the Ad hoc Committee:

- CD/TIA/CRP.6, dated 17 February 1994, submitted by the delegation of the Netherlands, entitled 'Letter dated 11 February 1994 from the Chairman of the Group of Governmental Experts on the United Nations Register of Conventional Arms addressed to the Chairman of the Ad Hoc Committee on Transparency in Armaments';

- CD/TIA/CRP.7, dated 1 March 1994, entitled 'Timetable of Meetings';

- CD/TIA/CRP.8, dated 1 March 1994, entitled 'Programme of Work';

- CD/TIA/CRF.9 and Rev.1, 2 and 3 dated 5, 23, 24 and 25 August 1994, respectively, entitled 'Draft Report of the Ad hoc Committee on Transparency in Armaments';

- CD/TIA/INF.2/Rev.1/Add.1, dated 9 March 1994, entitled 'Statements made in the Conference on Disarmament on Agenda item 8: Transparency in Armaments (CD/PV.657-CD/PV.672: 29.07.1993-24.02.1994)';

### "III. SUBSTANTIVE WORK DURING THE 1994 SESSION

"9. During the meetings of the Ad hoc Committee on Transparency in Armaments, the various Groups and individual delegations reaffirmed their respective positions recorded in the relevant sections of previous annual reports of the Conference on Disarmament, related documents and plenary records of the Conference and in working papers of the Ad hoc Committee on Transparency in Armaments or further elaborated on them as indicated in subsequent paragraphs. A number of delegations addressed the question of transparency in armaments during plenary meetings of the Conference on Disarmament as contained in official records of the Conference.

"10. A general view was maintained that increased openness and transparency in the field of armaments could enhance confidence, ease tensions, strengthen regional and international peace and security, contribute to restraint in military production and the transfer of arms and could, together with other appropriate mechanisms, contribute to the prevention of armed conflicts. It was underlined that transparency is not an end in itself, nor is it to be pursued for its own sake. It was also recognized that the establishment of the United Nations Register of Conventional Arms constituted a step forward in the promotion of transparency in military matters and that it needed to be further improved.

"11. A large number of delegations from the Group of 21 maintained that the work of the Ad hoc Committee had to be devoted solely to issues specifically mentioned in its mandate, and with respect to any discussions on 'interrelated aspects' not specifically referred to in the Ad hoc Committee mandate, a view was expressed that a comprehensive list of such aspects should be drawn up and dealt with in an orderly manner once agreement has been reached on it. These delegations further considered that in order to be an effective confidence-building measure, transparency must apply to all armaments, including weapons of mass destruction and their means of delivery, high technology with military applications and all types of advanced conventional weapons. They were also of the view that these ideas had to be considered in the context of the expansion of the United Nations Register which could only achieve universality if it was perceived by all States as a balanced and non-selective mechanism. In this context 16 delegations from the Group of 21 were of the view that the efforts that the international community has been undertaking in the fields of openness and transparency will only be crowned with lasting success when all States in all regions of the world feel that their participation in transparency measures serves their security interests.

"12. The Western Group, the delegations of the Eastern European Group, and other delegations disagreed with the interpretation given by some members

of the Group of 21 to the mandate of the Ad hoc Committee on Transparency in Armaments. The clear wording of the mandate referred to the need for discussion, inter alia, of interrelated aspects related to excessive and destabilizing accumulation of arms. They considered, therefore, that there were no grounds for restricting discussion to issues related solely to the United Nations Register of Conventional Arms and that the Ad hoc Committee should not be constrained by such issues. These delegations believed that the Ad Hoc Committee should address also other issues related to openness and transparency in the conventional field such as a proposal for guidelines for international transfers of conventional arms, the size and organization of armed forces, declaration of closure or conversion of military production facilities, and regional approaches in the field of transparency. They believed that transparency in armaments reflected an opportunity to shift the Cold War preoccupation with the danger of nuclear war and address other pressing concerns such as the excessive and destabilizing accumulation of conventional arms, and also offered the opportunity to negotiate realistic, useful, and practical means to increase openness and transparency in this field.

"13. All delegations were of the view that transparency in armaments should respect the principle of undiminished security for every State. The delegation of China expressed also the view that specific measures in that field should be appropriate and feasible and be defined by all States through negotiations. The delegation of China and some other delegations believed that action on transparency in armaments depends on the requisite international environment and every State should be allowed to select measures corresponding to its own specific circumstances voluntarily and on an equal footing.

"14. There was a prevailing view that the United Nations Register of Conventional Arms needed to be developed in such a manner as to encourage universal participation. Some delegations were in favour of a gradual expansion of the Register. Some delegations were of the view that it could be done, for example, by establishing new categories or by requiring broader and more detailed information. A number of delegations were of the view that universal participation in the Register could best be promoted by its rapid expansion to include all types of advanced arms rather than by maintaining the present seven categories of conventional arms which, alone, do not satisfy the security concerns of many countries as testified to by the limited participation in the Register during its first two years of operation. Other delegations believed that, at this stage, efforts should be focused on consolidation of the Register on the basis of the review of its operation during its first year, and maintained that its expansion should be approached with caution. Views were expressed that since non-discrimination is one of the principles for the Register, the categories of the Register had to be defined in a way that did not harm the security interests of reporting States. This was of vital concern, especially to States not members of military alliances. In this connection, an idea was advanced concerning the establishment of an adequate system of procedures for clarification on consultations between States on bilateral, regional or multilateral basis in such cases. Other proposals included the possibility of elaboration of a single definition of arms transfers or provision by the reporting States of their own definition, on the basis of which submissions to the Register were



prepared. A view was also expressed that certain analysis or interpretation of data submitted to the United Nations Register of Conventional Arms, made by a competent United Nations staff, would render it a more useful instrument of confidence-building. In such a way, the Register could play a role of a more reliable early warning system to alert the international community to excessive and destabilizing accumulation of arms. Many delegations welcomed the encouraging results of the United Nations Register during its first two years of operation as contributing to an enhanced level of transparency in conventional armaments, and to increased confidence building and security among States. These delegations encouraged all member States of the United Nations to participate in the Register, including the submission of nil reports where applicable. The delegation of India, in its working paper (CD/TIA/WP.27), pointed out that certain inconsistencies in data reported to the Register underlined difficulties in the operation of the Register and could have a bearing on its perception as an effective confidence-building measure. It also stressed that success of the Register would depend on wider adherence and simultaneity, and on whether it tends to have an impact on disarmament and development and whether it restrains the major arms suppliers in the production and transfers of arms which are excessive and destabilizing in nature. That view was shared by the delegation of China, which further emphasized that the standardization of the Register should also be enhanced.

"15. Some delegations held that the Ad Hoc Committee could proceed to the elaboration of concrete and specific confidence-building measures on openness and transparency in the field of armaments which would be universal and of a politically binding nature and which could be then implemented on global and regional levels. A view was also expressed that it might be feasible to implement initially certain confidence-building measures on a regional level before recommending them for universal application. A view was also expressed that the proliferation of a multitude of instruments covering various aspects of the transparency question must be avoided in order not to complicate reporting requirements, and that work should instead focus on the expansion of the United Nations Register.

"A. Military holdings and procurement through national production

"16. Discussions devoted to the issue of elaboration of universal and non-discriminatory practical means to increase openness and transparency related to military holdings and procurement through national production focused to a great extent on the question of appropriate definitions and agreement seemed to crystallize about their necessity.

"17. Many delegations belonging to the Western Group and to the Eastern European Group respectively and other individual delegations maintained that the voluntary exchange of data on military holdings and procurement through national production would enhance openness in particular in relation to States that do not depend predominantly or exclusively on arms imports to meet their defence requirements. In combination with existing transparency measures relating to conventional arms transfers, such a confidence-building measure would contribute towards a more balanced and non-discriminatory approach to the concept of the United Nations Register of Conventional Arms. In their opinion it could also contribute to ensuring universal participation in the United Nations Register. These delegations were in favour of broad

definitions of military holdings and procurement through national production, descriptive in nature and containing a set of clear parameters. With regard to a mechanism for exchanging data, they considered that it would be most effective if the data were reported to the United Nations Register in the same format of seven categories of armaments and by the same date, that is, by 30 April of each calendar year. Subsequently, eight delegations belonging to the Western Group submitted a joint working paper containing proposals of definitions of relevant terms and modalities of reporting relevant data to the Register (CD/1259, issued also as CD/TIA/WP.26). Delegations of Australia and Japan supported the general thrust of the working paper. The delegation of the Russian Federation, for its part, also proposed modalities of reporting relevant data to the Register and presented a working paper (CD/TIA/WP.31) developing further its definitions of military holdings and procurement through national production.

"18. Sixteen delegations belonging to the Group of 21 were in favour of the expansion, at the appropriate time, of the United Nations Register to include military holdings and procurement through national production. Such an expansion, however, must take place after the present shortcomings of the United Nations Register are redressed. They considered that information submitted to the Register would naturally cover all advanced arms whether in active service, in stockpiles, stationed or deployed inside or outside national territory or territorial waters, in outer space, as part of a leasing arrangement or any type of military support commitment, etc. Some delegations of the Group of 21 also continued to stress the importance of the elaboration of acceptable definitions of the relevant terms and expressed their reservations with regard to definitions of military holdings and procurement through national production presented so far. These delegations advocated much wider scope, going beyond the present seven categories of the Register, which would include all categories and types of arms, in particular, weapons of mass destruction and their means of delivery, arms maintained in stocks or in storage and weapons undergoing research, development, testing or evaluation.

"19. The delegation of China, stressing that transparency in armaments should serve as a means of strengthening peace, stability and security of States and regions, expressed strong reservations with regard to a proposal to expand the Register by incorporating military holdings and procurement through national production. In its view, transparency in that field would involve sensitive military information and the present international environment and conditions were not ripe enough for all States to introduce transparency measures in this field. It also considered necessary to explore and clarify the relevant concepts and definitions.

"20. Many delegations belonging to the Western Group and to the Eastern European Group respectively and other individual delegations strongly believed that the exchange of data on military holdings and procurement should not include weapons undergoing research, development, testing and evaluation since, at that stage, they were not under the operational control of armed forces nor considered militarily significant. In addition, given their limited quantity they could not contribute to the excessive and destabilizing accumulation of arms, nor constitute a threat to peace and security. The Russian Federation expressed the view that such equipment should not be

included in an exchange of data because it was not put in service in the armed forces. These delegations believed also that this exchange should exclude weapons undergoing manufacture, decommissioned or subject to destruction, awaiting export, or belonging to historical collections.

"21. Delegations belonging to the Group of 21, on the other hand, believed that introduction of new weapons in some regions could destabilize existing balance and jeopardize their stability, hence, transparency in the field of research, development, testing and evaluation would add an element of predictability to activities related to the development of new weapons, could serve the strengthening of confidence and indicate, in advance, negative trends in accumulation of arms. The delegation of India referred to the role of research and development in the upgrading of weapons which when supplied to the areas of tension can also play a destabilizing role. A view was expressed that given the fact that all weapons are continuously subjected to a process of research, development, testing and evaluation and that weapons which are technically still in such a process do represent a threat and are the very weapons which tomorrow can become excessive and destabilizing, introducing transparency into this field would significantly lessen suspicion and re-assure States in a mutual way about each other's intentions. A view was also expressed that the details of the exchange of information and the stage of development at which data should be reported, needed to be thoroughly examined in order to ensure, inter alia, that transparency did not, in any way, undermine security, as well as the industrial and commercial interests of States concerned.

"B. Transfers of high technology with military applications and weapons of mass destruction

"22. Some delegations belonging to the Group of 21 believed that inclusion of data on transfers of high technology with military applications into the Register could facilitate its balance. Given the importance and potentially destabilizing nature of transfers of high technology with military applications, 16 delegations of the Group of 21 considered it most appropriate to analyse ways and means of ensuring the transparency of such transfers which should be governed by multilaterally negotiated, universally applicable and non-discriminatory treaties. Reporting all transfers of high technology with military applications to the United Nations Register is essential to ensure genuine transparency. A number of these delegations expressed the view that such an expansion of the Register would not complicate the process of submission of data since only a limited number of States were engaged in such transfers and they occurred less frequently than transfers of weapons. In this connection, some delegations stressed the need for facilitating the access of developing States to high technology and referred to paragraph 53 of the Final Document adopted by the Conference of Foreign Ministers of the Non-Aligned Movement in Cairo (CD/1261), in which the objection was expressed to the continued functioning of ad hoc export control groups on the pretext of the non-proliferation of armaments, since they could impede the economic and social development of developing countries. In this respect, some delegations from the Group of 21 called for transparency on export control regimes, including their internal structure, their detailed plans and future policies.

"23. The delegation of China expressed the view that the key issue in the question of transfers of high technology was, on the one hand, the necessity to abolish the discriminatory and unfair control and limitation regimes set up by a minority of States and, on the other, how to guarantee the developing countries' legitimate right to acquire the high technology which they need for developing their economies and ensuring the requisite defensive capabilities.

"24. The Western Group, the delegations of the Eastern European Group, and other individual delegations did not believe that information on transfers of high technology with military applications could be included in the United Nations Register of Conventional Arms in its present form. These delegations noted that there had been no concrete proposals explaining how transfers of high technology with military applications might be included in the Register nor was there any indication as to the parameters for such inclusion. Furthermore, a number of delegations advocated instead an exchange of information on national legislation and regulations on such transfers. The Western Group, the delegations of the Eastern European Group, and other delegations agreed with the importance of ensuring access to high technology for peaceful purposes. Furthermore, export licensing measures were entirely consistent with existing international agreements and were in no way designed to restrict access to technology for commercial reasons. These measures had been developed solely to ensure that the supply of certain technologies could not be diverted for non-peaceful use, and thereby furthered global efforts to prevent the proliferation of weapons of mass destruction and the excessive and destabilizing accumulation of conventional weapons. Consequently, they rejected any suggestion that national licensing measures could be conducted as a pretext for any other activity.

"25. Pending the banning and complete elimination of all weapons of mass destruction, most delegations of the Group of 21 and other individual delegations strongly supported the idea of including all such weapons in transparency measures. Most delegations of the Group of 21 further believed that annual information transmitted to the United Nations Register on the production, number, type, location and movement of all weapons of mass destruction would go a long way towards building confidence and trust and ensuring the reliability and credibility of the Register. While recognizing that there already existed legal instruments covering various types of such weapons they were, nevertheless, of the view that, pending the universal adherence to all those instruments and the full implementation thereof, a certain degree of transparency with respect to weapons of mass destruction must be ensured. Delegations belonging to the Group of 21 also maintained that such weapons were both excessive and destabilizing by their very nature and they should, therefore, be considered as an integral part of the work of the Ad Hoc Committee and, in general, of transparency in armaments. The delegation of India stated that the Non-Proliferation Treaty was often cited in the discussions regarding transparency in weapons of mass destruction but it was essential that the discriminatory nature of that instrument should also be taken into account when that instrument was discussed.

"26. The delegation of China maintained that the relevant issues of transparency with regard to weapons of mass destruction have been or are being dealt with within the framework of the specific treaties, conventions or agreements concerning such weapons. The ultimate solution to the weapons of

mass destruction is the complete prohibition and thorough destruction of these weapons. In view of China, it would be conducive to the promotion of transparency with regard to nuclear weapons if nuclear-weapon States undertake not to be the first to use nuclear weapons and to provide security assurances to non-nuclear weapon States.

"27. Other nuclear-weapon States made clear during the course of the discussions in the Ad hoc Committee that they disagreed with this last position of China. They also stressed that they did not regard these issues as relevant to the work of the Ad hoc Committee on Transparency in Armaments.

"28. The Western Group, the delegations of the Eastern European Group, and other delegations opposed the inclusion of weapons of mass destruction in the United Nations Register of Conventional Arms on the basis that to do so would imply international acceptance of the transfer of such weapons. These delegations held the view that a transparency instrument, by its very nature, can only encompass legitimate activity. They advocated universal adherence to existing treaties on weapons of mass destruction and full implementation of their provisions, including relevant transparency measures. Some delegations questioned the assumption that such weapons were excessive and destabilizing by their very nature and pointed to the destabilizing effect of a massive accumulation of conventional arms. At the same time, they did not exclude the possibility of consideration, by the Ad hoc Committee, of transparency measures related to weapons of mass destruction on the basis of concrete and substantive proposals.

"29. The reluctance of member States of the Eastern European and the Western Groups to broaden the scope of the Register to include weapons of mass destruction, among other things, led most delegations of the Group of 21 to reiterate their position not to continue the work of the Committee beyond 1994.

"30. Some delegations of the Western Group noted the views expressed by 16 delegations of the Group of 21. The statement was welcomed as a useful contribution, although it was regretted that time did not allow for fuller discussion of these views in the Ad hoc Committee in 1994. It was therefore hoped by these delegations that the substantive views outlined by the 16 delegations would be discussed thoroughly during the work of the Ad hoc Committee in 1995.

"C. Examination of other interrelated aspects and elaboration of universal and non-discriminatory practical means to increase openness and transparency

"31. The delegation of Romania submitted a proposal for a code of conduct for the international transfers of conventional arms (CD/1257, issued also as CD/TIA/WP.25), aimed at furthering the debate on how to deal with excessive and destabilizing accumulation of conventional arms, at increasing openness and transparency in this field and at establishing universal and non-discriminatory principles and criteria to be followed by subscribing States in considering arms transfers, as a voluntary confidence-building measure. The proposal was welcomed by many delegations, which considered it

an important contribution to the strengthening of confidence and understanding among States. These delegations also advocated commencement of substantive negotiations and drafting of such a code.

"32. The majority of delegations of the Group of 21, and the delegation of China, were of the opinion that the parameters used in the proposal, such as human rights as well as excessive and destabilizing accumulation of arms, are ambiguous and irrelevant, and could, therefore, run counter to the efforts of States to preserve their territorial integrity and to the rights of any States to self-defence as stipulated in Article 51 of the Charter of the United Nations. Delegations of the Group of 21 pointed out that the specific nature of different regions as well as threat perceptions and security considerations of various States would have to be taken into account and that these were not only based on the accumulation of conventional arms but also on that of weapons of mass destruction. Keeping all this in view, these delegations felt that it was too early to take a position on the proposed code of conduct. They, and the delegation of China even stressed that it was premature to consider negotiations on or drafting of a code. The delegation of China held the view that due to the fact that the United Nations Disarmament Commission has embarked on the discussion of international arms transfer issues, there is no need for the Conference on Disarmament to duplicate the work.

"33. Some delegations belonging to the Group of 21 expressed the view that the massive production of sophisticated advanced armaments is of great concern. In this respect they stressed the need to address this issue with the view to limit this production and to balance their transfer so that security of States in various regions will not be adversely affected.

"34. The delegation of the Netherlands submitted a proposal for a confidence-building measure on the global exchange of military information concerning the organization, structure and size of armed forces (CD/TIA/WP.28) and, subsequently, proposed to start a drafting exercise on the basis of its working paper. Both proposals enjoyed the support of the delegations of the Western Group and of many delegations of the Eastern European Group.

"35. A number of delegations belonging to the Group of 21 and the delegation of China considered, however, that the issue was outside the mandate of the Committee. The delegation of China, on the other hand, was of the view that the issue touched upon sensitive military information and that transparency in that field could be detrimental to the security of States. The delegation of India pointed to the difficulties and flaws that such a confidence-building measure, if propounded, would face in becoming a universal norm. It would not take into account factors like a country's geostrategic circumstances, its terrain, its economic and technical levels and hence would not be suitable for determining what is excessive and destabilizing. It also felt that available figures of military spending and transfer of conventional weapons should be sufficient to give an idea on the aggressive intent without going into question of armed forces.

"36. The delegation of China believed that in dealing with transparency problems, priority should be given to the issue of excessive and destabilizing accumulation of arms. In order to facilitate the measurement and judgement in

this field, the delegation of China further elaborated its proposal concerning the exchange of certain relative figures - indices - and defined five of them, representing various relations between military expenditures, number of armed forces and the territory of a State (CD/TIA/WP.24). An analysis of the indices could, in its view, yield the general criteria of excessive and destabilizing accumulation of arms. The delegation of Indonesia stressed also that characteristics of a State has to be taken into account in addressing this issue. The United States presented a detailed briefing on the Chinese proposal, showing the implications and shortcomings of the quantitative indices. Subsequent examination of that proposal led the delegations of the Western Group and other delegations to the conclusion that such indices were irrelevant for making meaningful comparisons and that transparency and confidence-building were enhanced more through the exchange of direct data on transfers, military holdings, procurement through national production, size and organization of armed forces, and military expenditures rather than through secondarily derived indices. A number of delegations from the Group of 21 regarded such a conclusion as premature and believed that the Chinese approach deserved further consideration and refinement. Also, the delegation of the Netherlands concluded that there was some relationship between the Chinese proposal and its own that warranted their further consideration in order to reach a common understanding.

"37. The delegation of Italy further elaborated its proposal on a confidence-building measure concerning the declaration of the conversion or closure of the military production facilities, presenting two concrete formats for reporting such cases (CD/TIA/WP.30).

"38. The issue of openness and transparency in nuclear matters was also discussed, and a number of delegations considered that measures in this field could include, inter alia, a detailed inventory of all nuclear weapons, notification of any movement of nuclear weapons, a detailed notification of any manoeuvres involving nuclear weapons, and notification of any transportation as well as detailed inventory of weapons grade materials. Requested data could be incorporated into the appropriately expanded Register or in any other complementary mechanism.

"39. Consideration of the issue of excessive and destabilizing accumulation of arms revealed that it would be extremely difficult to arrive at agreed criteria in this regard, especially on a global level. While the vast majority of delegations belonging to the Group of 21 put, in this connection, emphasis on threats stemming from weapons of mass destruction, the delegations of the Western Group and the Eastern European Group were mainly concerned with threats related to accumulation of conventional weapons. In an effort to address this situation a number of delegations, including those from the various Groups, suggested that regional approaches to openness and transparency would allow for the adaption of the scope and volume of the exchange of information to the specific security perceptions in various regions.

"40. Many delegations supported the specific proposals of New Zealand and Japan with regard to regional approaches to overcoming some of the obstacles to participation in the Register, such as by creating stronger links between the Register and regional organizations, and through the application of the

Register on a regional and subregional basis. The New Zealand delegation also suggested other regional measures that could be developed in accordance with the guidelines and recommendations endorsed by the United Nations Disarmament Commission (document A/48/42). The delegation of Japan stressed the need for regional efforts, in parallel with global efforts, in the field of transparency. In this context, it welcomed the recent establishment and development of the ASEAN Regional Forum (ARF), which aimed at enhancing regional political and security dialogue, as an example for encouraging measures related to building confidence on regional basis and thereby promoting peace and security of this region. These views were supported by the delegations of Australia and New Zealand. The delegation of Indonesia shared the views expressed by the delegation of Japan. It is to be noted that Indonesia was among those countries that helped and promoted the establishment of this Forum. In this connection a number of delegations agreed that regional measures should complement and could help pave the way for global measures. There was broad agreement on the importance of regional approaches to transparency questions. A large number of delegations agreed that there was scope for the Committee to undertake further work on this subject. A view was expressed that the United Nations may take initiatives to promote regional cooperation and coordination and help establish necessary forums particularly in regions which have received significant amount of armaments including sophisticated advanced armaments in the recent years.

"41. The delegation of India stated that the most appropriate approach would be to encourage the voluntary regional efforts to help ensure universal adherence to the United Nations Register rather than attempt to create regional or subregional versions of the global register. It felt that States of a region could provide information to the Register based on a regional understanding which would be an entirely voluntary exercise taking regional specificities into account. The delegation of India further stated that it would be inappropriate for a global body to have regional prescriptions and these should best be left to the States of the regions themselves. It would be also premature to begin a top down process of setting up regional registers even while the performance and the future development of the global register are still being debated. The delegation of China believed that it was imperative that the transparency in armaments measures for each region be formulated and adopted by consensus by the States in the region through discussions on an equal footing and in accordance with their specific regional conditions. These measures should be practical and applicable. No region should try to impose their own model upon the others. It also held that owing to the widely divergent situations of different regions, it is impossible to find a common model which suits all regions. Therefore, the delegation of China was of the view that it is not appropriate for the Conference on Disarmament to discuss concrete regional transparency in armaments measures. On the issue of regional transparency in armaments measures, it also needs to be taken into consideration that considerable work has already been done in this regard by the United Nations Disarmament Commission, the First Committee of the United Nations General Assembly as well as various regional organizations and forums. The Conference on Disarmament should avoid repeating the work.



#### "IV. CONCLUSIONS AND RECOMMENDATIONS

"42. During the 1994 session of the Conference on Disarmament, the Ad hoc Committee continued the examination of interrelated aspects and elaboration of universal and non-discriminatory practical means to increase openness and transparency in the field of armaments. Several new aspects were raised in addition to those already referred to in the previous reports of the Conference on Disarmament. A considerable part of it, devoted to consideration of topics which were suggested by various delegations, usually on the basis of their respective working papers, led to further elaboration of position of States and groups of States as well as to clarification and further development of ideas presented previously. Although agreement on those topics has not been reached, some progress in the understanding of the issues under consideration has been recognized."



# CONFERENCE ON DISARMAMENT

CD/1286  
12 January 1995

Original: ENGLISH

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LETTER DATED 11 JANUARY 1995 FROM THE DEPUTY PERMANENT REPRESENTATIVE OF CANADA ADDRESSED TO THE DEPUTY SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING AN ARMS CONTROL AND DISARMAMENT PUBLICATION, IN TWO PARTS, ENTITLED "THE MATURING CONVENTIONAL ARMS TRANSFER AND PRODUCTION SYSTEM: IMPLICATIONS FOR PROLIFERATION CONTROL" AND "THE UNITED NATIONS REGISTER OF CONVENTIONAL ARMS: OPTIONS AND PROPOSALS FOR ENHANCEMENT AND FURTHER DEVELOPMENT"

You will find enclosed copies of a new Canadian Arms Control and Disarmament publication, in two parts, entitled "The Maturing Conventional Arms Transfer and Production System: Implications for Proliferation Control" by Dr. Keith Krause and "The United Nations Register of Conventional Arms: options and proposals for enhancement and further development" by Dr. Edward J. Laurance.

I would be grateful if the necessary arrangements could be made for its distribution to all member and participating non-member State delegations, under cover of a CD number.

(Signed) Andrew McAlister  
Minister and Deputy Permanent Representative  
to the Conference on Disarmament

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1/ A limited distribution of this publication in English only has been made available to the members and non-members invited to participate in the work of the Conference on Disarmament. Additional copies are available from the Permanent Mission of Canada.

GE.95-60151 (E)



# CONFERENCE ON DISARMAMENT

CD/1400  
31 May 1996

Original: ENGLISH

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LETTER DATED 23 MAY 1996 FROM THE PERMANENT REPRESENTATIVE OF CANADA ADDRESSED TO THE DEPUTY SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING A PUBLICATION ENTITLED "THE UNITED NATIONS CONVENTIONAL ARMS REGISTER: CANADIAN PRACTICE IN PREPARING ITS ANNUAL DATA SUBMISSION, NOVEMBER 1995"

I have the honour to transmit to you a new Canadian publication, entitled "The United Nations Conventional Arms Register: Canadian practice in preparing its annual data submission, November 1995".

I would be grateful if the necessary arrangements could be made for its distribution to all member and participating non-member state delegations, under cover of a CD number.

(Signed): Mark J. Moher  
Ambassador  
Permanent Representative

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1/ A limited distribution of this publication in English only has been made available to the members and non-members invited to participate in the work of the Conference on Disarmament. Additional copies are available from the Permanent Mission of Canada.

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GE.96-61915



# CONFERENCE ON DISARMAMENT

CD/1401  
31 May 1996

Original: ENGLISH

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LETTER DATED 23 MAY 1996 FROM THE PERMANENT REPRESENTATIVE OF CANADA ADDRESSED TO THE DEPUTY SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING A PUBLICATION ENTITLED "THE UNITED NATIONS CONVENTIONAL ARMS REGISTER: AN ANNOTATED BIBLIOGRAPHY, OCTOBER 1995"

I have the honour to transmit to you a new Canadian publication, entitled "The United Nations Conventional Arms Register: An Annotated Bibliography, October 1995".

I would be grateful if the necessary arrangements could be made for its distribution to all member and participating non-member state delegations, under cover of a CD number.

(Signed): Mark J. Moher  
Ambassador  
Permanent Representative

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1/ A limited distribution of this publication in English only has been made available to the members and non-members invited to participate in the work of the Conference on Disarmament. Additional copies are available from the Permanent Mission of Canada.

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# CONFERENCE ON DISARMAMENT

CD/1434

11 September 1996

Original: ENGLISH

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## WESTERN GROUP OBSERVATIONS ON THE FUTURE AGENDA OF THE CONFERENCE ON DISARMAMENT

The 21 members of the Western Group would like to thank the Special Coordinator on the Review of the Agenda for the strenuous efforts he has made throughout the year in carrying out consultations on this complicated issue. His thoughtful report of 3 September and his informal oral report of 23 May to the CD provide a sound basis for further consultations to determine how the CD should take its work forward in 1997. We therefore welcome the proposal that the President of the CD should conduct consultations both now and during the intersessional period in order to produce a new substantive Agenda for the work of the CD. We lend our full support to all efforts aimed at producing a consensus within the CD.

The Western Group has taken note of the many statements and proposals made by delegations from all Groups during this session on the subject of the CD's Agenda. We encourage the President in consultation with all delegations to study and reflect on the ideas and proposals which have been brought forward. In this regard the Western Group wishes to contribute constructively to the process of consultations by making the following general observations:

### The future CD Agenda

- The current CD Agenda requires reform and updating. As the Special Coordinator for the Agenda noted in his report of 23 May, "it is accepted that the CD should have a new Agenda that could boldly reflect the changes that have occurred and have been occurring in the world for some years now". In our view the Agenda should also reflect the progress made in disarmament and non-proliferation. We should aim to develop a new forward-looking and realistic Agenda which can attract consensus among the expanded CD.
- The Agenda should strike a balance between nuclear and conventional items. The focus should remain on substantive negotiations and discussions.
- Negotiations already endorsed by the CD should be pursued with the establishment of Ad Hoc Committees in 1997.

Agenda items and Ad Hoc Committees

- We recall that on 23 March 1995 the CD accepted the mandate for an Ad Hoc Committee to begin substantive negotiations on a fissile material cut-off convention. The CD also agreed on a candidate for the Chairman of the Ad Hoc Committee. Since then we have continued to urge the immediate commencement of these negotiations. We firmly believe that the Ad Hoc Committee should be established promptly.

- Ad Hoc Committees could be set up immediately on negative security assurances, outer space and transparency in armaments. The mandates for the Ad Hoc Committees could be updated.

- We fully support the Special Coordinator's conclusions, which seem to attract consensus, that certain items are outdated and accordingly should be revised or deleted. Other items could also be established.

- In this context two broad agenda items entitled "Nuclear Disarmament" and "Conventional Disarmament" could be established to reflect the need for balance in the Agenda.

- We have also taken note with interest of the remarks made by the Special Coordinator concerning anti-personnel landmines.

We look forward to working together with the President and all delegations of the CD in order to agree a new Agenda. The CD should remain flexible and open-minded, willing to address relevant issues in disarmament as appropriate.

# CONFERENCE ON DISARMAMENT

CD/1450  
20 March 1997

Original: ENGLISH

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ISLAMIC REPUBLIC OF IRAN

Proposal on  
The Programme of Work

1. The Conference on Disarmament decides, without prejudice to any future decisions on the organizational framework of other items, to establish:
  - I. An Ad Hoc Committee under agenda item 4 "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons" with the mandate as described in CD/1121.
  - II. An Ad Hoc Committee under agenda item 7 to consider means of promoting transparency in armaments.
2. The Conference also decides to appoint a special coordinator to seek the views of its members on the most appropriate arrangement to deal with issues under agenda item 1.
3. The Conference decides further to appoint a special coordinator to seek the views of its members within agenda item 6 on the most appropriate arrangement to deal with the issues on which consensus could be achieved.
4. The special coordinators appointed under paragraphs 2 and 3 above shall present an interim report at the end of May and a final report not later than mid-June 1997 to the Conference.

GE.97-60720



# CONFERENCE ON DISARMAMENT

CD/1456  
15 May 1997

Original: ENGLISH

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## CANADA

### Views on the Conference on Disarmament's agenda and programme of work

#### Current Debate

With regard to the three issues currently the major focus for debate Canada's position is:

#### Nuclear Weapons

The CD must address nuclear disarmament, it should establish a mechanism for the substantive discussion of nuclear disarmament issues with a view to identifying if and when one or more issues should be the subject of negotiation.

#### Fissile Material Cut-off Treaty

The CD should establish an Ad Hoc Committee to negotiate a ban on the production of fissile material for nuclear weapons or other nuclear explosive devices, based on the Shannon Paper and the mandate therein.

#### Anti-Personnel Landmines

Canada does not object to the proposal by Chile, Finland and Poland to appoint a Special Coordinator on Anti-Personnel Landmines.

#### CD Agenda/Work Programme

In putting forward the above current positions, Canada maintains its views on the CD Agenda/Work Programme as set out in its overview paper of January 21, 1997:

Proposed Work Programme

1. Weapons of Mass Destruction/Nuclear Disarmament
  - Prohibition of the Production of Fissile Material for Nuclear Weapons or Other Nuclear Explosive Devices
  - Effective International Arrangements to Assure Non-Nuclear-Weapon States Against the Use or Threat of Use of Nuclear Weapons
2. Conventional Disarmament
  - Transparency in armaments
  - Guidelines for Conventional Arms Transfers
3. Outer Space
  - Legally-binding Instrument to Prevent the Weaponization of Outer Space
4. Consideration and adoption of annual report and any other report, as appropriate, to the General Assembly of the United Nations

# CONFERENCE ON DISARMAMENT

CD/1462  
5 June 1997

Original: ENGLISH

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## GROUP OF 21

### Proposal on the Programme of Work

1. The Conference on Disarmament decides to establish:
  - I. An Ad Hoc Committee for agenda item 1 "Cessation of the nuclear arms race and nuclear disarmament".
  - II. An Ad Hoc Committee for agenda item 3 "Prevention of an arms race in outer space".
  - III. An Ad Hoc Committee for agenda item 4 "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons".
2. The Conference decides to appoint a Special Coordinator to seek the views of its members on agenda item 6 "Comprehensive programme of disarmament" with a special reference to the issue of anti-personnel landmines.
3. The Conference also decides to appoint a Special Coordinator to seek the views of its members on agenda item 7 "Transparency in armaments".
4. The Conference decides further to appoint Special Coordinators to carry out consultations on the issues of its expansion and agenda as well as improved and effective functioning.

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The Group of 21 continues to attach the highest priority to the establishment of an Ad Hoc Committee on Nuclear Disarmament under agenda item 1.

The Group of 21 has presented on 14 March 1996 a proposal for the work of the Ad Hoc Committee, as contained in document CD/1388.

In this context, a specific proposal on a mandate for the Ad Hoc Committee will be presented in the near future.





# CONFERENCE ON DISARMAMENT

CD/1489

28 January 1998

Original: ENGLISH

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LETTER DATED 27 JANUARY 1998 FROM THE PERMANENT REPRESENTATIVE OF NORWAY ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING A SUMMARY OF REPORT NO. 57 (1996/97) TO THE STORTING ON "THE EXPORT OF WEAPONS, AMMUNITION AND OTHER MILITARY EQUIPMENT IN 1996"

I have the honour to transmit to you a summary of Report No.57 (1996/1997) to the Storting on "The Export of Weapons, Ammunition and Other Military Equipment in 1996".

I would be grateful if the necessary arrangements could be made for its distribution as an official document of the Conference on Disarmament to all member and participating non-member state delegations.

(Signed) Bjørn Skogmo  
Ambassador  
Permanent Representative

GE.98-60341

## NORWAY

### THE EXPORT OF WEAPONS, AMMUNITION AND OTHER MILITARY EQUIPMENT IN 1996.

#### Introduction

This presentation is a summary of Report No. 57 (1996-97) to the Storting. This was the first report of its kind dealing with exports of weapons, ammunition and other military materiel<sup>1</sup> in 1996. The Government intends to submit annual reports to the Storting on exports of military equipment from Norway.

Since 1 January 1996, Norwegian exporters have been required to submit quarterly reports on any exports of military equipment, based on export licences and permissions to provide services connected with military equipment, as described in the national military control list, issued by the Ministry of Foreign Affairs. The tables in the Report are based on information about invoiced sales of military equipment and services connected with such equipment in 1996. The export of goods for demonstration or maintenance purposes, i.e. temporary exports of goods that will later be returned to Norway, or goods that are returned to a foreign owner after being repaired or modified in Norway, have not been included in the tables. A list of services provided for foreign customers on the basis of permissions from the Ministry is also included.

Norwegian policy as regards exports of military equipment is based on the Government's declaration of 11 March 1959, which states that "Norway will not permit the sale of arms or munitions to areas where there is war or threat of war, or to countries where there is a civil war", and the Storting's decision of the same date, which states that "the Storting declares most emphatically that arms and munitions may be exported from Norway only after a careful assessment of the foreign and domestic policy situation in the area in question. In the Storting's opinion, this assessment must be decisive as to whether such goods are to be exported".

Advances in military technology since 1959 have necessitated an export control system which extends beyond what is directly implied by the wording of the 1959 Government declaration and the Storting's decision. The Ministry's guidelines for dealing with applications concerning the export of military equipment are intended to ensure this. The 1959 declaration mentioned only arms and munitions, whereas the guidelines also apply to other equipment designed or modified for military purposes and to technology and services as specified in the military control list issued by the Ministry. The guidelines distinguish between arms and

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<sup>1</sup> The term "military equipment" is used as a collective term for weapons, ammunition and other military materiel. List I, issued by the Ministry of Foreign Affairs, specifies which goods, technology and services are included in the term.

ammunition and essential parts or components for these (Category A) and other equipment designed or modified for military purposes (Category B).

The exercise of export controls with respect to military materiel and associated technology and services, as well as dual-use goods, technology and services, is based on Act No. 93 of 18 December 1987 relating to control of the export of strategic goods, services and technology, etc. and on regulations, guidelines and control lists (List I: munitions, and List II: dual-use goods). The control lists specify the products, technology and services for which an export permit from the Ministry is required.

Applications for the export of military equipment are considered carefully on a case-by-case basis, and a licence can only be issued if satisfactory documentation is provided.

Documentation requirements are specified in the guidelines.

The Ministry of Foreign Affairs (the Section for Export- and Import Control) is responsible for export control, as well as for the licensing of exports of strategic goods and technology, weapons and military equipment. An Official Notification on Export Control has been published and is updated regularly. This publication includes the control lists of products and technology that are subject to export control. The Ministry of Foreign Affairs also conducts presentations and awareness seminars for explaining export controls to industry. Information on export control is also available on the Ministry's Internet home page.

A contact group, chaired by the Ministry of Foreign Affairs, has been established to organize cooperation with the Directorate of Customs and Excise, the Norwegian Police Security Service and the Norwegian Defence Research Establishment. The group meets regularly to discuss practical export control issues. The Ministry and the enforcement body, the Directorate of Customs and Excise, work closely with the police and can also draw on technical expertise at the Norwegian Defence Research Establishment.

In addition, an interministerial committee has been set up to revise and update Norwegian export control practices. It also serves as a forum for exchange of information on and discussion of important issues in this field. The committee is chaired by the Ministry of Foreign Affairs, and includes representatives of the Ministry of Defence, the Ministry of Trade and Industry, the Customs and Excise Administration, the Norwegian Police Security Service and Headquarters Defence Command Norway.

Norway participates in the international regimes on non-proliferation and export control, i.e. the Australia Group, the Missile Technology Control Regime (MTCR), the Nuclear Suppliers Group (NSG), the Zangger Committee and the Wassenaar Arrangement.

**Table 1: Recipient countries for the groups of goods specified in List 1**

	Type of goods	Recipient
1	Hand-held weapons etc. for military or other use	Denmark, UK, Sweden, Germany
2	Artillery, etc.	None
3	Missile systems, bombs, rockets, torpedoes, land and naval mines, hand grenades.	Canada, France
4	Fire control equipment, search equipment, handling equipment, etc.	France, Sweden
5	ABC weapons, etc.	None
6	Ammunition, explosives, etc.	Austria, Belgium, Canada, Denmark, Finland, France, Greece, Ireland, Italy, Japan, Netherlands, Portugal, USA, Singapore, Spain, UK, Switzerland, Sweden, Germany
7	Electronic equipment etc., not mentioned in item 4.	Austria, Belgium, Denmark, United Arab Emirates, Czech Republic, Egypt, Finland, France, Ireland, Italy, Japan, Netherlands, Portugal, USA, Saudi Arabia, Slovakia, UK, Switzerland, Sweden, Thailand, Germany
8	Ships, etc.	None
9	Aircraft and spacecraft specially designed or modified for military use.	None
10	Tracked vehicles, amphibious vehicles and other vehicles specially designed or modified for military use, except for non-armoured and non-armed vehicles designed for use on roads; tanks, military recovery vehicles	None
11	Protective equipment and rescue equipment, etc	None
12	Hangars, air raid shelters, and other buildings specially designed or modified for military use.	None
13	Camouflage equipment	None
14	Photographic materiel	None
15	Quartermaster supplies specially designed or modified for military use.	USA
16	Materiel specially designed or modified for instruction in the use or maintenance of products listed in items 1 to 15 above.	France, Greece, Sweden
17	Components, parts, subsystems and auxiliary equipment specially designed or modified for products listed in items 1 to 16	Australia, Belgium, Canada, Denmark, Finland, France, Greece, Ireland, Luxembourg, Malaysia, Netherlands, USA.

	above.	UK, Switzerland, Sweden, South Korea,
18	Software	Turkey, Germany,
19	Materials, machines, tools etc.	Italy, Sweden
20	Technology specially connected with	France, Greece, Italy, Sweden
	products listed in items 1 to 18 above.	None

**Table 2: Exports of military equipment according to the groups of goods specified in List 1**

	Type of goods	Value of exports (NOK 1 000)
1	Hand-held weapons etc. for military or other use	853
2	Artillery, etc.	0
3	Missile systems, bombs, rockets, torpedoes, land and naval mines, hand grenades.	73
4	Fire control equipment, search equipment, handling equipment, etc.	4190
5	ABC weapons, etc.	0
6	Ammunition, explosives, etc.	332706
7	Electronic equipment etc., not mentioned in item 4.	337897
8	Ships, etc.	0
9	Aircraft and spacecraft specially designed or modified for military use.	0
10	Tracked vehicles, amphibious vehicles and other vehicles specially designed or modified for military use, except for non-armoured and non-armed vehicles designed for use on roads; tanks, military recovery vehicles	0
11	Protective equipment and rescue equipment, etc	0
12	Hangars, air raid shelters, and other buildings specially designed or modified for military use.	0
13	Camouflage equipment	0
14	Photographic materiel	0
15	Quartermaster supplies specially designed or modified for military use.	6632
16	Materiel specially designed or modified for instruction in the use or maintenance of products listed in items 1 to 15 above.	2650
17	Components, parts, subsystems and auxiliary equipment specially designed or modified for products listed in items 1 to 16 above.	283392
18	Software	120
19	Materials, machines, tools etc.	16831
20	Technology specially connected with products listed in items 1 to 19 above.	0
	<b><u>Sum</u></b>	<b><u>985344</u></b>

**Table 3: Exports of military equipment by country (NOK 1 000)**

Country	Cat. A	Cat. B	Total
<i><u>Countries that have received equipment in category A:</u></i>			
Belgium	2868	2922	5790
Canada	130136	338	130474
Denmark	14107	3032	17139
Finland	26522	13676	40198
France	14058	12398	26456
Greece	77215	32901	110116
Ireland	879	680	1559
Italy	8736	7761	16497
Japan	34	4803	4837
Netherlands	3461	3898	7359
Portugal	12607	484	13091
Singapore	127	0	127
Spain	3443	0	3443
United Kingdom	1325	43852	45177
Switzerland	70667	173	70840
Sweden	11506	173103	184609
Turkey	123	12	135
Germany	47674	25872	73546
USA	95911	36004	131915
Austria	1889	334	2223
<i><u>Countries that have only received equipment in Category B:</u></i>			
Australia	0	1080	1080
United Arab Emirates	0	54774	54774
Egypt	0	27810	27810
Luxembourg	0	761	761
Malaysia	0	1246	1246
Slovakia	0	620	620
South Korea	0	7735	7735
South Africa	0	1000	1000
Thailand	0	1501	1501
Czech Republic	0	3286	3286
<b><u>Sum</u></b>	<b><u>523288</u></b>	<b><u>462056</u></b>	<b><u>985344</u></b>

**Table 4: Exports of military equipment by region (NOK 1 000)**

Region	Cat. A	Cat. B	Total
NATO countries	411580	170235	581815
Other Nordic countries	38028	186779	224807
Other European countries	73519	5093	78612
Latin America	0	0	0
Australia and New Zealand	0	1080	1080
Asia	161	71059	71220
Africa	0	27810	27810
<b><u>Sum</u></b>	<b><u>523288</u></b>	<b><u>462056</u></b>	<b><u>985344</u></b>

**Table 5: Services provided for foreign customers (NOK 1 000)**

Country	Position in List I	Total
Finland	3	3508
USA	6,8	351
UK	6,8	1762
Sweden	6,8	6582
Germany	6	3862
<b><u>Sum</u></b>		<b><u>16065</u></b>

**The total value of exports of military equipment and associated services in 1996 was NOK 1 001 409 000.**



# CONFERENCE ON DISARMAMENT

CD/1494

10 February 1998

Original: ENGLISH

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THE NETHERLANDS

Draft decision

The Conference on Disarmament decides to appoint a Special Coordinator to conduct consultations on the most appropriate way to deal with the question of Transparency in Armaments under Agenda item 7. In doing so, the Special Coordinator shall take into consideration all relevant proposals and views, present and future, and shall re-examine the mandate contained in the decision of 21 January 1993 (CD/1150), with a view to updating it if appropriate. The Special Coordinator shall present a report to the Conference on Disarmament before the end of the first part of its 1998 session.

GE.98-60455



# CONFERENCE ON DISARMAMENT

CD/1544

19 June 1998

Original: ENGLISH  
FRENCH and SPANISH

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LETTER DATED 11 JUNE 1998 FROM THE PERMANENT REPRESENTATIVE OF  
THE UNITED KINGDOM TO THE CONFERENCE ON DISARMAMENT ADDRESSED TO  
THE SECRETARY-GENERAL OF THE CONFERENCE TRANSMITTING A COPY OF  
THE TEXT OF THE CODE OF CONDUCT ON ARMS EXPORTS ADOPTED BY THE  
COUNCIL OF THE EUROPEAN UNION AT ITS MEETING  
IN LUXEMBOURG ON 8 JUNE

I have the honour to transmit a copy of the text of the Code of Conduct on  
Arms Exports adopted by the Council of the European Union at its meeting in  
Luxembourg on 8 June.

I should be grateful if the text could be circulated as an official document  
of the Conference on Disarmament.

(Signed) Ian Soutar  
Ambassador

GE.98-62511

EUROPEAN UNION CODE OF CONDUCT ON ARMS EXPORTS

The Council of the European Union,

BUILDING on the Common Criteria agreed at the Luxembourg and Lisbon European Councils in 1991 and 1992,

RECOGNISING the special responsibility of arms exporting states,

DETERMINED to set high common standards which should be regarded as the minimum for the management of, and restraint in, conventional arms transfers by all EU Member States, and to strengthen the exchange of relevant information with a view to achieving greater transparency,

DETERMINED to prevent the export of equipment which might be used for internal repression or international aggression, or contribute to regional instability,

WISHING within the framework of the CFSP to reinforce their cooperation and to promote their convergence in the field of conventional arms exports,

NOTING complementary measures taken by the EU against illicit transfers, in the form of the EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms,

ACKNOWLEDGING the wish of EU Member States to maintain a defence industry as part of their industrial base as well as their defence effort,

RECOGNISING that states have a right to transfer the means of self-defence, consistent with the right of self-defence recognised by the UN Charter,

have adopted the following Code of Conduct and operative provisions:

CRITERION ONE

Respect for the international commitments of EU member states, in particular the sanctions decreed by the UN Security Council and those decreed by the Community, agreements on non-proliferation and other subjects, as well as other international obligations.

An export licence should be refused if approval would be inconsistent with, inter alia:

- a) the international obligations of member states and their commitments to enforce UN, OSCE and EU arms embargoes;
- b) the international obligations of member states under the Nuclear Non-Proliferation Treaty, the Biological and Toxin Weapons Convention and the Chemical Weapons Convention;
- c) their commitments in the frameworks of the Australia Group, the Missile Technology Control Regime, the Nuclear Suppliers Group and the Wassenaar Arrangement;
- d) their commitment not to export any form of anti-personnel

landmine

#### CRITERION TWO

The respect of human rights in the country of final destination

Having assessed the recipient country's attitude towards relevant principles established by international human rights instruments, Member States will:

- a) not issue an export licence if there is a clear risk that the proposed export might be used for internal repression.
- b) exercise special caution and vigilance in issuing licences, on a case-by-case basis and taking account of the nature of the equipment, to countries where serious violations of human rights have been established by the competent bodies of the UN, the Council of Europe or by the EU;

For these purposes, equipment which might be used for internal repression will include, inter alia, equipment where there is evidence of the use of this or similar equipment for internal repression by the proposed end-user, or where there is reason to believe that the equipment will be diverted from its stated end-use or end-user and used for internal repression. In line with operative paragraph 1 of this Code, the nature of the equipment will be considered carefully, particularly if it is intended for internal security purposes. Internal repression includes, inter alia, torture and other cruel, inhuman and degrading treatment or punishment, summary or arbitrary executions, disappearances, arbitrary detentions and other major violations of human rights and fundamental freedoms as set out in relevant international human rights instruments, including the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights.

#### CRITERION THREE

The internal situation in the country of final destination, as a function of the existence of tensions or armed conflicts

Member States will not allow exports which would provoke or prolong armed conflicts or aggravate existing tensions or conflicts in the country of final destination.

#### CRITERION FOUR

Preservation of regional peace, security and stability

Member States will not issue an export licence if there is a clear risk that the intended recipient would use the proposed export aggressively against another country or to assert by force a territorial claim.

When considering these risks, EU Member States will take into account inter alia:

- a) the existence or likelihood of armed conflict between the recipient and another country;
- b) a claim against the territory of a neighbouring country which the recipient has in the past tried or threatened to pursue by means of force;

c) whether the equipment would be likely to be used other than for the legitimate national security and defence of the recipient;

d) the need not to affect adversely regional stability in any significant way.

#### CRITERION FIVE

The national security of the member states and of territories whose external relations are the responsibility of a Member State, as well as that of friendly and allied countries

Member States will take into account:

a) the potential effect of the proposed export on their defence and security interests and those of friends, allies and other member states, while recognising that this factor cannot affect consideration of the criteria on respect of human rights and on regional peace, security and stability;

b) the risk of use of the goods concerned against their forces or those of friends, allies or other member states;

c) the risk of reverse engineering or unintended technology transfer.

#### CRITERION SIX

The behaviour of the buyer country with regard to the international community, as regards in particular to its attitude to terrorism, the nature of its alliances and respect for international law

Member States will take into account inter alia the record of the buyer country with regard to:

a) its support or encouragement of terrorism and international organised crime;

b) its compliance with its international commitments, in particular on the non-use of force, including under international humanitarian law applicable to international and non-international conflicts;

c) its commitment to non-proliferation and other areas of arms control and disarmament, in particular the signature, ratification and implementation of relevant arms control and disarmament conventions referred to in sub-para b) of Criterion One.

#### CRITERION SEVEN

The existence of a risk that the equipment will be diverted within the buyer country or re-exported under undesirable conditions

In assessing the impact of the proposed export on the importing country and the risk that exported goods might be diverted to an undesirable end-user, the following will be considered:

a) the legitimate defence and domestic security interests of the recipient country, including any involvement in UN or other peace-keeping activity;

b) the technical capability of the recipient country to use the equipment;

c) the capability of the recipient country to exert effective export controls;

d) the risk of the arms being re-exported or diverted to terrorist organisations (anti-terrorist equipment would need particularly careful consideration in this context).

#### CRITERION EIGHT

The compatibility of the arms exports with the technical and economic capacity of the recipient country, taking into account the desirability that states should achieve their legitimate needs of security and defence with the least diversion for armaments of human and economic resources

Member States will take into account, in the light of information from relevant sources such as UNDP, World Bank, IMF and OECD reports, whether the proposed export would seriously hamper the sustainable development of the recipient country. They will consider in this context the recipient country's relative levels of military and social expenditure, taking into account also any EU or bilateral aid.

#### OPERATIVE PROVISIONS

1. Each EU Member State will assess export licence applications for military equipment made to it on a case-by-case basis against the provisions of the Code of Conduct.

2. This Code will not infringe on the right of Member States to operate more restrictive national policies.

3. EU Member States will circulate through diplomatic channels details of licences refused in accordance with the Code of Conduct for military equipment together with an explanation of why the licence has been refused. The details to be notified are set out in the form of a draft pro-forma at Annex A. Before any Member State grants a licence which has been denied by another Member State or States for an essentially identical transaction within the last three years, it will first consult the Member State or States which issued the denial(s). If following consultations, the Member State nevertheless decides to grant a licence, it will notify the Member State or States issuing the denial(s), giving a detailed explanation of its reasoning.

The decision to transfer or deny the transfer of any item of military equipment will remain at the national discretion of each Member State. A denial of a licence is understood to take place when the member state has refused to authorise the actual sale or physical export of the item of military equipment concerned, where a sale would otherwise have come about, or the conclusion of the relevant contract. For these purposes, a notifiable denial may, in accordance with national procedures, include denial of permission to start negotiations or a negative response to a formal initial enquiry about a specific order.

4. EU Member States will keep such denials and consultations confidential and not to use them for commercial advantage.

5. EU Member States will work for the early adoption of a common list of military equipment covered by the Code, based on similar national and international lists. Until then, the Code will operate on the basis of national control lists incorporating where

appropriate elements from relevant international lists.

6. The criteria in this Code and the consultation procedure provided for by paragraph 3 of the operative provisions will also apply to dual-use goods as specified in Annex 1 of Council Decision 94/942/CFSP as amended, where there are grounds for believing that the end-user of such goods will be the armed forces or internal security forces or similar entities in the recipient country.

7. In order to maximise the efficiency of this Code, EU Member States will work within the framework of the CFSP to reinforce their cooperation and to promote their convergence in the field of conventional arms exports.

8. Each EU Member State will circulate to other EU Partners in confidence an annual report on its defence exports and on its implementation of the Code. These reports will be discussed at an annual meeting held within the framework of the CFSP. The meeting will also review the operation of the Code, identify any improvements which need to be made and submit to the Council a consolidated report, based on contributions from Member States..

9. EU Member States will, as appropriate, assess jointly through the CFSP framework the situation of potential or actual recipients of arms exports from EU Member States, in the light of the principles and criteria of the Code of Conduct.

10. It is recognised that Member States, where appropriate, may also take into account the effect of proposed exports on their economic, social, commercial and industrial interests, but that these factors will not affect the application of the above criteria.

11. EU Member States will use their best endeavours to encourage other arms exporting states to subscribe to the principles of this Code of Conduct.

12. This Code of Conduct and the operative provisions will replace any previous elaboration of the 1991 and 1992 Common Criteria.

#### ANNEX A to ANNEX

..... (name of Member State) has the honour to inform partners of the following denial under the EU Code of Conduct:

Destination country:.....

Short description of equipment, including quantity and where appropriate, technical specifications:.....

Proposed consignee:.....

Proposed end-user (if different):.....

Reason for refusal:.....

Date of denial:.....



# CONFERENCE ON DISARMAMENT

CD/1591\*

26 August 1999

Original: ENGLISH, FRENCH  
AND SPANISH

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LETTER DATED 29 JULY 1999 FROM THE PERMANENT REPRESENTATIVE OF BRAZIL AND THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE CONFERENCE ON DISARMAMENT ADDRESSED TO THE SECRETARY- GENERAL OF THE CONFERENCE TRANSMITTING THE TEXT OF THE INTER-AMERICAN CONVENTION ON TRANSPARENCY IN CONVENTIONAL WEAPONS ACQUISITIONS, WHICH WAS APPROVED AT THE GENERAL ASSEMBLY OF THE ORGANIZATION OF AMERICAN STATES IN GUATEMALA ON 7 JUNE 1999

We have the honour to transmit to you the English, French and Spanish versions of the text of the Inter-American Convention on Transparency in Conventional Weapons Acquisitions, which was approved at the General Assembly of the Organization of American States in Guatemala on 7 June 1999.

We would be grateful if the necessary arrangements could be made for its distribution as an official document of the Conference on Disarmament to all member and participating non-member state delegations.

(Signed) Celso L.N. Amorim  
Ambassador  
Permanent Representative  
Head of the Delegation of  
Brazil to the Conference  
on Disarmament

(Signed) Robert T. Grey, Jr.  
Ambassador  
Permanent Representative  
of the United States of  
America to the Conference  
on Disarmament

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\* Re-issued for technical reasons.

INTER-AMERICAN CONVENTION ON TRANSPARENCY  
IN CONVENTIONAL WEAPONS ACQUISITIONS

THE STATES PARTIES,

BEARING IN MIND their commitments to the United Nations and the Organization of American States to contribute more fully to openness and transparency by exchanging information on weapon systems covered by the United Nations Register of Conventional Arms;

REITERATING the importance of annual reporting to the United Nations Register of Conventional Arms of information on imports, exports, military holdings, and procurement through national production of major weapon systems;

BUILDING UPON AND REAFFIRMING the declarations of Santiago (1995) and San Salvador (1998) on confidence- and security-building measures, which recommend the application of such measures in the most appropriate manner;

RECOGNIZING that in accordance with the Charter of the Organization of American States and the Charter of the United Nations, Member States have the inherent right of individual or collective self-defense;

RECOGNIZING that the commitments made in this Convention are an important step towards achieving one of the essential purposes established in the Charter of the Organization of American States, which is "to achieve an effective limitation of conventional weapons that will make it possible to devote the largest amount of resources to the economic and social development of the Member States";

RECOGNIZING that it is important for the international community to contribute to the objective of this Convention; and

EXPRESSING their intention to continue consideration of appropriate steps to advance the effective limitation and control of conventional weapons in the region,

HAVE AGREED AS FOLLOWS:

## ARTICLE I DEFINITIONS

For the purposes of this Convention,

a. "Conventional weapons" means those systems set forth in Annex I to this Convention. Annex I is an integral part of this Convention.

b. "Acquisition" means the obtaining of conventional weapons through purchase, lease, procurement, donation, loan, or any other method, whether from foreign sources or through national production. "Acquisition" does not include the obtaining of prototypes, developmental items, and equipment in research, development, test, and evaluation, to the extent that such prototypes, items, or equipment are not incorporated into the inventory of the armed forces.

c. "Incorporation into the inventory of the armed forces" means entry of the conventional weapon into service, even for a limited period of time.

## ARTICLE II OBJECTIVE

The objective of this Convention is to contribute more fully to regional openness and transparency in the acquisition of conventional weapons by exchanging information regarding such acquisitions, for the purpose of promoting confidence among States in the Americas.

## ARTICLE III ANNUAL REPORTS ON IMPORTS AND EXPORTS OF CONVENTIONAL WEAPONS

1. States Parties shall report annually to the depositary on their imports and exports of conventional weapons during the preceding calendar year, providing information, with respect to imports, on the exporting State, and the quantity and type of conventional weapons imported; and information, with respect to exports, on the importing State, and the quantity and type of conventional weapons exported. Any State Party may supplement its submission with any additional information it considers relevant, such as the designation and model of the conventional weapons.

2. Information to be submitted pursuant to this article shall be provided to the depositary as soon as possible, but no later than June 15 of each year.

3. Reporting pursuant to this article shall be in the format of Annex II (A) and (B).

#### ARTICLE IV EXCHANGE OF INFORMATION ON ACQUISITIONS OF CONVENTIONAL WEAPONS

In addition to providing the annual reports specified in Article III, States Parties shall notify the depositary of acquisitions of conventional weapons as follows:

a. Notification of acquisition through imports. These notifications to the depositary shall be made no later than 90 days after incorporation of imported conventional weapons into the inventory of the armed forces. Notifications shall indicate the exporting State, as well as the quantity and type of imported conventional weapons. Any State Party may supplement its submission with any additional information it considers relevant, such as the designation and model of the conventional weapons. Reporting pursuant to this paragraph shall be in the format of Annex II (C).

b. Notification of acquisition through national production. These notifications to the depositary shall be made no later than 90 days after incorporation of the conventional weapons acquired through national production into the inventory of the armed forces. Notifications shall indicate the quantity and type of conventional weapons. Any State Party may supplement its submission with any additional information it considers relevant, such as the designation and model of the conventional weapons. Notwithstanding any other provision of this Convention, States Parties may also supplement such notifications with information on reconfiguration or modification of conventional weapons. To encourage further transparency in acquisitions through national production, the obligation of each State Party to notify under this paragraph may be fulfilled, in accordance with its domestic legislation, through notice to the depositary of a national funding commitment for conventional weapons to be incorporated into that State's inventory during the upcoming budget year. Reporting pursuant to this paragraph shall be in the format of Annex II (D).

c. Notification of no activity. States Parties with no imports or acquisitions of conventional weapons through national production during the preceding calendar year shall so report to the depositary as soon as possible, but no later than June 15. Reporting pursuant to this paragraph shall be in the format of Annex II (A) and (B).

#### ARTICLE V INFORMATION FROM OTHER STATES

Any State that is not a member of the Organization of American States may contribute to the objective of this Convention by providing information annually to the depositary on its exports of conventional weapons to the States Parties to this Convention. Such information may identify the importing State, and the quantity and type of any conventional weapons exported,

and may also include any additional pertinent information, such as designation and model of the conventional weapons.

#### ARTICLE VI CONSULTATIONS

States Parties may consult on information provided pursuant to this Convention.

#### ARTICLE VII APPLICATION AND INTERPRETATION

Any disagreement that may arise with respect to the application or interpretation of this Convention shall be resolved by any means of peaceful settlement decided upon by the States Parties involved, which undertake to cooperate to this end.

#### ARTICLE VIII CONFERENCES OF THE STATES PARTIES

After seven years from the date of entry into force of this Convention, and upon the proposal by a majority of the States Parties, the depositary shall convene a conference of the States Parties. The purpose of such conference, and of any subsequent conferences, would be to examine the functioning and application of this Convention, and to consider further transparency measures consistent with the objective of this Convention, including modifications, pursuant to Article XI, to the categories of conventional weapons in Annex I.

#### ARTICLE IX SIGNATURE

This Convention is open for signature by all Member States of the Organization of American States.

#### ARTICLE X ENTRY INTO FORCE

This Convention shall enter into force on the 30th day following the date of deposit with the General Secretariat of the Organization of American States of the sixth instrument of ratification, acceptance, approval, or accession by a member state of the Organization of American States. Thereafter, the Convention shall enter into force for any other Member State

of the Organization of American States on the 30th day following the date of deposit by such State of an instrument of ratification, acceptance, approval, or accession.

#### ARTICLE XI AMENDMENTS

Any State Party may submit to the depositary a proposal to amend this Convention. The depositary shall circulate any such proposal to all States Parties. Upon the request of a majority of the States Parties, the depositary shall, no sooner than 60 days from the date of such request, convene a conference of the States Parties to consider the proposed amendment. An amendment shall be adopted upon approval by two thirds of the States Parties present at the conference. Any amendment so adopted shall enter into force for the States ratifying, accepting, approving, or acceding to it 30 days after two thirds of the States Parties have deposited their respective instruments of ratification, acceptance, or approval of the amendment, or of accession thereto. Thereafter, such an amendment shall enter into force for any other State Party on the 30th day after that State Party deposits its instrument of ratification, acceptance, or approval of the amendment, or of accession thereto.

#### ARTICLE XII DURATION AND DENUNCIATION

This Convention shall remain in force indefinitely, but any State Party may denounce it. The instrument of denunciation shall be deposited with the General Secretariat of the Organization of American States. After 12 months from the date of deposit of the instrument of denunciation, the Convention shall no longer be in force for the denouncing State, but shall remain in force for the other States Parties.

#### ARTICLE XIII RESERVATIONS

States Parties may, at the time of adoption, signature, ratification, acceptance, approval, or accession, make reservations to this Convention, provided that such reservations are not incompatible with the object and purpose of the Convention and that they concern one or more specific provisions thereof.

#### ARTICLE XIV DEPOSITARY

1. The depositary of this Convention is the General Secretariat of the Organization of American States.
2. Upon receipt of information provided by a State Party pursuant to Article III or IV of this Convention, the depositary shall promptly transmit such information to all States Parties.
3. The depositary shall provide to States Parties a consolidated annual report of the information provided pursuant to this Convention.
4. The depositary shall notify the States Parties of any proposals received for convening a conference of the States Parties pursuant to Article VIII.
5. The depositary shall receive and distribute to the States Parties any information submitted pursuant to Article V.

#### ARTICLE XV DEPOSIT OF THE CONVENTION

The original instrument of this Convention, the English, French, Portuguese, and Spanish texts of which are equally authentic, shall be deposited with the depositary, which shall forward an authenticated copy of its text to the Secretariat of the United Nations for registration and publication, in accordance with Article 102 of the United Nations Charter. The depositary shall notify the Member States of the Organization of American States of signatures, of deposits of instruments of ratification, acceptance, approval, accession, or denunciation, and of reservations, if any.

## ANNEX I

The list of conventional weapons covered by this Convention is set forth below. Such list is based on the United Nations Register of Conventional Arms.

In accordance with the Article I, this annex is an integral part of this Convention. Any changes to this Annex shall be adopted in conformity with the amendment procedure stipulated in Article XI.

### I. Battle tanks

Tracked or wheeled self-propelled armored fighting vehicles with high cross-country mobility and a high level of self-protection, weighing at least 16.5 metric tons unladen weight, with a high muzzle velocity direct fire main gun of at least 75 millimeters caliber.

### II. Armored combat vehicles

Tracked, semi-tracked, or wheeled self-propelled vehicles, with armored protection and cross-country capability, either: (A) designed and equipped to transport a squad of four or more infantrymen, or (B) armed with an integral or organic weapon of at least 12.5 millimeters caliber or a missile launcher.

### III. Large caliber artillery systems

Guns, howitzers, artillery pieces combining the characteristics of a gun or a howitzer, mortars, or multiple-launch rocket systems, capable of engaging surface targets by delivering primarily indirect fire, with a caliber of 100 millimeters and above.

### IV. Combat aircraft

Fixed-wing or variable-geometry wing aircraft designed, equipped, or modified to engage targets by employing guided missiles, unguided rockets, bombs, guns, cannons, or other weapons of destruction, including versions of these aircraft which perform specialized electronic warfare, suppression of air defense, or reconnaissance missions. The term "combat aircraft" does not include primary trainer aircraft, unless designed, equipped, or modified as described above.

### V. Attack helicopters

Rotary-wing aircraft designed, equipped, or modified to engage targets by employing guided or unguided anti-armor, air-to-surface, air-to-subsurface, or air-to-air weapons and equipped with an integrated fire control and aiming system for these



weapons, including versions of these aircraft which perform specialized reconnaissance or electronic warfare missions.

VI. Warships

Vessels or submarines armed and equipped for military use with a standard displacement of 750 metric tons or above, and those with a standard displacement of less than 750 metric tons, equipped for launching missiles with a range of at least 25 kilometers or torpedoes with similar range.

VII. Missiles and missile launchers

Guided or unguided rockets, ballistic or cruise missiles capable of delivering a warhead or weapon of destruction to a range of at least 25 kilometers, and means designed or modified specifically for launching such missiles or rockets, if not covered by categories I through VI. This category:

- a. Also includes remotely-piloted vehicles with the characteristics for missiles as defined above;
- b. Does not include ground-to-air missiles.

ANNEX II (A)

INTER-AMERICAN CONVENTION ON TRANSPARENCY IN CONVENTIONAL WEAPONS ACQUISITIONS

ARTICLE III – ANNUAL IMPORT NOTIFICATION

REPORTING COUNTRY \_\_\_\_\_ CALENDAR YEAR \_\_\_\_\_

A. CONVENTIONAL WEAPONS	B. QUANTITY	C. TYPE	D. EXPORTING STATE	E. Additional information <sup>N</sup>
I. BATTLE TANKS				
II. ARMORED COMBAT VEHICLES				
III. LARGE-CALIBER ARTILLERY SYSTEMS				
IV. COMBAT AIRCRAFT				
V. ATTACK HELICOPTERS				
VI. WARSHIPS				
VII. MISSILES AND MISSILE LAUNCHERS				

**Bold items are mandatory.**

1. In the "additional information" column, States Parties may wish to provide voluntary additional information such as designation, model, or any other information considered relevant. States Parties may also wish to use the "additional information" column to explain or clarify aspects relevant to the acquisition.

States Parties that do not have anything to report should file a "nil" report clearly stating that no imports have taken place in any of the categories during the calendar year.

## INTER-AMERICAN CONVENTION ON TRANSPARENCY IN CONVENTIONAL WEAPONS ACQUISITIONS

## ARTICLE III - ANNUAL EXPORT NOTIFICATION

REPORTING COUNTRY \_\_\_\_\_ CALENDAR YEAR \_\_\_\_\_

A. CONVENTIONAL WEAPONS	B. QUANTITY	C. TYPE	D. IMPORTING STATE	E. Additional information <sup>2</sup>
I. BATTLE TANKS				
II. ARMORED COMBAT VEHICLES				
III. LARGE-CALIBER ARTILLERY SYSTEMS				
IV. COMBAT AIRCRAFT				
V. ATTACK HELICOPTERS				
VI. WARSHIPS				
VII. MISSILES AND MISSILE LAUNCHERS				

Bold items are mandatory.

2. In the "additional information" column, States Parties may wish to provide voluntary additional information such as designation, model, or any other information considered relevant. States Parties may also wish to use the "additional information" column to explain or clarify aspects relevant to the export.

States Parties that do not have anything to report should file a "nil" report clearly stating that no exports have taken place in any of the categories during the calendar year.

ANNEX II (C)

INTER-AMERICAN CONVENTION ON TRANSPARENCY IN CONVENTIONAL WEAPONS ACQUISITIONS

ARTICLE IV – NOTIFICATION OF ACQUISITION THROUGH IMPORTS

REPORTING COUNTRY \_\_\_\_\_ DATE \_\_\_\_\_

A. CONVENTIONAL WEAPONS CATEGORIES I – VII.	B. QUANTITY	C. TYPE	D. EXPORTING STATE	E. Additional information <sup>2</sup>

Bold items are mandatory.

3. In the “additional information” column, States Parties may wish to provide voluntary additional information such as designation, model, or any other information considered relevant. States Parties may also wish to use the “additional information” column to explain or clarify aspects relevant to the acquisition.

ANNEX II (D)

INTER-AMERICAN CONVENTION ON TRANSPARENCY IN CONVENTIONAL WEAPONS ACQUISITIONS

ARTICLE IV – NOTIFICATION OF ACQUISITION THROUGH NATIONAL PRODUCTION

REPORTING COUNTRY \_\_\_\_\_ DATE \_\_\_\_\_

A. CONVENTIONAL WEAPONS CATEGORIES I – VII	B. QUANTITY	C. TYPE	D. Additional information <sup>g</sup>

**Bold items are mandatory.**

4. In the "additional information" column, States Parties may wish to provide voluntary additional information such as designation, model, or any other information considered relevant. States Parties may also wish to use the "additional information" column to explain or clarify aspects relevant to the acquisition.



# CONFERENCE ON DISARMAMENT

CD/1620

29 June 2000

Original: ENGLISH

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## **Proposal by the President** **on the Programme of Work for the 2000 session of the Conference on Disarmament**

### **1. Prohibition of the production of fissile material for nuclear weapons or other nuclear explosive devices**

The Conference on Disarmament decides to establish, under agenda item 1, an Ad Hoc Committee to negotiate, on the basis of the report of the Special Coordinator (CD/1299) and the mandate contained therein, a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

### **2. Nuclear disarmament**

The Conference on Disarmament decides to establish, under agenda item 1, an Ad Hoc Committee/Ad Hoc Working Group to deal with nuclear disarmament, through an exchange of information and views on practical steps for progressive and systematic efforts to attain this objective.

### **3. Prevention of an arms race in outer space**

The Conference on Disarmament decides to establish, under agenda item 3, an Ad Hoc Committee/Ad Hoc Working Group to examine and identify specific topics or proposals that might be a basis for subsequent in-depth consideration, which could include confidence-building or transparency measures, general principles, treaty commitments and the elaboration of a regime capable of preventing an arms race in outer space.

### **4. Negative Security Assurances**

The Conference on Disarmament decides to establish, under agenda item 4, an Ad Hoc Committee to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

### **5. Anti-personnel landmines**

The Conference on Disarmament decides to appoint a Special Coordinator, under agenda item 6, to seek the views of its Members on the most appropriate way to deal with the questions related to anti-personnel landmines taking into account, inter alia, developments outside the Conference.

### **6. Transparency in armaments**

The Conference on Disarmament decides to appoint a Special Coordinator, under agenda item 7, to seek the views of its Members on the most appropriate way to deal with the questions related to this item.

### **7. Conference on Disarmament**

The Conference on Disarmament decides to appoint Special Coordinators on the review of its agenda, the expansion of its membership and its improved and effective functioning.





# CONFERENCE ON DISARMAMENT

CD/1624  
24 August 2000

Original: ENGLISH

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## Proposal by the President on the Programme of Work for the 2000 session of the Conference on Disarmament

### Draft decision

The Conference takes the following decisions:

1. The Conference establishes, for the duration of the 2000 session, an Ad Hoc Committee under agenda item 1 entitled "Cessation of the nuclear arms race and nuclear disarmament" to deal with nuclear disarmament. The Ad Hoc Committee shall exchange information and views on practical steps for progressive and systematic efforts to attain this objective.

The Ad Hoc Committee shall take into consideration all relevant views and proposals present and future and also address questions related to its mandate.

The Ad Hoc Committee shall present a report to the Conference on Disarmament on the progress of its work before the conclusion of the 2000 session.

2. The Conference establishes, for the duration of the 2000 session, an Ad Hoc Committee under agenda item 1 entitled "Cessation of the nuclear arms race and nuclear disarmament" which shall negotiate, on the basis of the report of the Special Coordinator (CD/1299) and the mandate contained therein, a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

The Ad Hoc Committee shall present a report to the Conference on Disarmament on the progress of its work before the conclusion of the 2000 session.

3. The Conference establishes, for the duration of the 2000 session, an Ad Hoc Committee under agenda item 3 entitled "prevention of an arms race in outer space" to deal with the prevention of an arms race in outer space. The Ad Hoc Committee shall examine and identify specific topics or proposals, which could include confidence-building or transparency measures, general principles, treaty commitments and the elaboration of a regime capable of preventing an arms race in outer space.

The Ad Hoc Committee shall take into consideration all relevant views and proposals present and future and also address questions related to its mandate.

The Ad Hoc Committee shall present a report to the Conference on Disarmament on the progress of its work before the conclusion of the 2000 session.

4. The Conference establishes, for the duration of the 2000 session, an Ad Hoc Committee under agenda item 4 entitled "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons", to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. These arrangements could take the form of an internationally legally binding instrument.

The Ad Hoc Committee shall take into consideration all relevant views and proposals present and future and also address questions related to its mandate.

The Ad Hoc Committee shall present a report to the Conference on Disarmament on the progress of its work before the conclusion of the 2000 session.

5. The Conference appoints a Special Coordinator under agenda item 6 entitled "Comprehensive programme of disarmament" to seek the views of its Members on the most appropriate way to deal with the questions related to anti-personnel landmines taking into account, inter alia, developments outside the Conference.

6. The Conference appoints a Special Coordinator under agenda item 7 entitled "Transparency in armaments" to seek the views of its Members on the most appropriate way to deal with the questions related to this item.

7. In implementing these decisions, the Special Coordinators shall take into consideration all relevant views and proposals, present and future.

8. The Conference requests the Special Coordinators to present early and regular reports on the outcome of their consultations throughout the session, including before the end of the 2000 session.

9. The Conference also decides to appoint Special Coordinators on the Review of its Agenda, the Expansion of its Membership and its Improved and Effective Functioning. These Special Coordinators, in discharging their duties and functions, will take into account all proposals and views, as well as future initiatives. The Conference requests these Special Coordinators to report to it before the conclusion of the 2000 session.

10. The taking of these decisions contained in paragraphs 5 and 6 does not prejudice the positions of delegations on the eventual establishment of subsidiary bodies on the issues identified, but reflects agreement to advance the Conference's work with a view to reaching consensus. This decision is also taken without prejudice to the rights of Members of the Conference to move forward with positions and proposals already made or to be put forward in the future.

Draft Presidential declaration

In connection with the decision we have just taken on the Programme of Work, I should like, in my capacity as President of the Conference, to stress that the Conference on Disarmament is a disarmament negotiating forum, as stated in Rule of Procedure nr. 1, and that, therefore, the mandates of, and the work to be pursued by, the subsidiary bodies set up by that decision are to be understood under that light. It is also understood that progress in the work of the Conference on Disarmament will continue to be influenced by and responsive to developments in the international strategic scene which affect the security interests of its individual member States.

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