

A Focus On Arms Control and Conventional Armaments

By W. Michael Slattery

INTRODUCTION AND BACKGROUND

In the 20th century, virtually all wars and armed conflicts, whether internal or inter-state, have been fought with conventional weapons and have often employed delivery systems that are increasingly technologically advanced.¹ Nuclear weapons have been used in war only twice, although the U.S. military continues to use depleted uranium to harden conventional projectiles in conflicts in Iraq and Afghanistan. Since the First World War, chemical weapons have seldom been used, with the notable exceptions of the fire bombings in WW II and the Iran-Iraq war of the 1980s. The proliferation of conventional weaponry continues unabated and with annual increases, *except for a slight decline following the demise of the USSR and the end of the Cold War when a trough was reached in 2002 (but on the rise thereafter)*. For decades, the United States competed with the USSR for the distinction of being the biggest exporter of conventional weapons. Since the demise of the USSR the United States has been the largest, although not an overwhelming exporter.

Most discussion pertaining to arms control focuses on the issue of nuclear weapons and related delivery systems and counter-measures.² Academic literature tends to concentrate on the same type of weaponry. However, since September 11, 2001, more attention has focused on the issue of biological and chemical weaponry.³

¹ Conventional weapons include, but are not limited to: small arms and light weapons (SALW) such as mortars, hand-held anti-tank and surface-to-air missiles, RPGs, etc.; land mines; cluster munitions; bombs, artillery shells; cruise missiles, incendiary weapons; laser weaponry; etc. Conventional weapons are generally classified in two groups: SALW and heavy weaponry which is generally transferred between governments under accepted legal agreements. Non-conventional weapons have come to include NBC weapons (nuclear, biological, chemical and radioactive). Delivery systems such as tanks, armed personnel carriers, helicopters, fighter, bomber, and reconnaissance aircraft, submarines, howitzers, missile and their launchers (laser- or map-guided), various types of naval vessels, and diverse delivery systems that are not considered conventional weapons but inherently are required for increasingly technologically advanced use of conventional weaponry should be treated as part of conventional weaponry.

² Cf. League of Women Voters of the United States, *Impact on Issues, 2008 - 2010: A Guide to Public Policy Positions*, pp. 40-41, exhibits similar traits, not unlike most of the literature on arms control.

³ While increasingly biological and chemical weapons are considered weapons of mass destruction and generally not treated as conventional weapons today, this paper mentions such amongst conventional weaponry because (a) the gas attacks of World War I and thereafter and (b) the use of napalm and other fire bombing in World War II and in Vietnam have been part of conventional wars over the past century, even though they are weapons of mass destruction, just as cluster munitions are.

The objective of arms control is primarily to reduce or prevent lethal armed conflict in inter- or intra-state relations.⁴ Many interest groups, however, emphasize secondary objectives of restricting armaments to one's state and close allies in order to maintain or advance the military power or superiority of one's state over adversaries. Others seek to protect and restrict technology and profits accruing from the sale of military equipment and technology for maximizing economic gain as the motive for arms control.

Precisely because of these objectives and the aforementioned facts concerning the use of conventional weapons in wars of the 20th century, the control of conventional arms is reviewed below.

CONFLICTS AND WARS IN THE 20th CENTURY

The victims of wars of the 20th century are predominantly, and increasingly, civilians (80 percent or more for casualties--killed and injured). Except for the roughly 300,000 who experienced the effects of nuclear weapons at Hiroshima and Nagasaki, and the tens of thousands of Iraqis and U.S. veterans suffering from the use of depleted uranium by the United States in its invasion of Iraq in 1991 and the resulting abnormally high birth defects, cancers and on-going inexplicable illness, virtually all victims of lethal armed conflict in insurgencies and inter-state wars have resulted from conventional weaponry. During the last century and beginning of the 21st century, this number surpasses tens of millions. As insurgencies and internal rebellions increase in number and scope, while political groups work out their identities that were contained until the end of formal colonialism, civilian casualties in war will continue to increase proportionately, precisely because of guerilla activity and the struggle of impoverished peoples against established classes and powerful economic and military forces.

Given this situation, the types of weaponry used in these conflicts by un-established armed forces tend to be crude in nature, unless hegemonist powers provide more sophisticated weapons. This was demonstrated in Indochina, Vietnam, Afghanistan, Sudan, Somalia, Eritrea, Northern Ireland, Palestine/Israel and Yugoslavia. Further, combat is frequently in urban areas and not traditional open-field confrontations of well-equipped armies. Makeshift weapons are used whenever small arms and light weapons cannot be obtained either on the black market or in seizure from established forces. Anti-personnel weapons such as land mines, suicide attacks and propelled grenades kill or maim innocent bystanders probably no less than the indiscriminate so-called collateral damage inflicted by highly technological weaponry in the form of guided missiles and aerial bombing.

CONVENTIONAL ARMS CONTROL TREATIES

Control of conventional armaments may be approached in a variety of ways. The most noticeable method utilizes conventions or agreements between governments in addressing either various types of weapons or regulating the flow of weapons and their licensing.

In response to the gases used in WW I, there resulted in 1925 only the Geneva Protocol on poisonous gases prohibiting the use of such gases and biological warfare. The United States

⁴ League of Women Voters of the United States, *Impact on Issues*, 2008-2010, p. 40.

signed the Protocol on condition that such weapons not be used against the United States. Since the 1925 Geneva Protocol, no noteworthy arms control treaties prohibiting conventional weaponry, inclusive of chemical and biological weapons, were agreed until 1972 and thereafter. This has failed to reduce weapons exports, black market trade or belligerent conflict. Conventional arms control agreements are noted below with the status of U.S. involvement cited thereafter. (We have focused on the U.S. positions related to conventional arms control, because the scope of this paper does not allow space to deal with multilateral positions of other major countries, and our ability and responsibility to address these issues is mostly easily expedited with regard to U.S. policy.)

- United Nations Register on Conventional Weapons –U.S. signatory. (The Register attempts to make transparent the shipment and holding of conventional weapons.) Like Russia and China, the U.S. is either unwilling or unable to supply the register with reporting on transfers of small arms and light weapons.
- Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BTWC), April 10, 1972. Signed and ratified by the United States.
- Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects (CCW Convention), April 10, 1981. The United States signed and ratified the Convention with only the first two of five related protocols prohibiting (a) the use of weapons that injure by undetectable fragments and (b) the use of mines, booby-traps and other devices, respectively, but refrained from agreeing to restrict (a) the use of incendiary weapons and (b) the use of blinding laser weapons, and from recognizing the need for measures to minimize the risk and effects of explosive remnants of war.
- Treaty on Conventional Armed Forces in Europe (CFE), November 19, 1990, signed and ratified by the United States and other NATO allies along with Russia. But, Russia has suspended its participation since late 2007. (This treaty attempts to control the expansion of weaponry and forces in Europe in order to defuse tensions between the United States-NATO and Russia (previously Warsaw Pact).
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC), January 13, 1993, signed and ratified by the United States, but not ratified by Israel and Myanmar, among others. (This treaty differs from the aforementioned 1972 treaty, and we note two key non-signatories because of their purported recent use of such weapons.)
- Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, November 13, 1997. This Convention attempts to reduce the manufacture and trafficking in these materials in order to deter insurgencies and armed opposition and to thwart

organized crime from influencing legitimate governments. The United States signed, but did not ratify.

- Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines (APM) and on their Destruction, December 3-5, 1997. The United States along with China, Russia and others refrained from signing.
- Inter-American Convention on Transparency in Conventional Weapons Acquisitions, June 7, 1999. Its objective is similar to the aforementioned treaty. The United States signed, but has not yet ratified this Convention.
- Convention on Cluster Munitions (CCM), May 30, 2008. The United States along with China, Russia and others have not signed. (Cluster munitions are munitions that have explosive effects from small bomblets or other type weapons cast over a wide area and are anti-personnel in nature.)

Also worth noting is the Organization for Security and Cooperation in Europe (OSCE), June 19, 1991, includes 56 member countries from North America (Canada & United States), Eastern (including Russia) and Western Europe, Central Asia, South Caucasus, and Southeastern Europe. It is the world's largest regional security organization, which focused on the control and destruction of surplus weapons after the end of the Cold War to prevent illegal transfer, among others.

The two most successful of the aforementioned arms control agreements are considered to be the Treaty on Conventional Arms Control Forces in Europe (CFE) and the Sub-Regional Arms Control Agreement of 1996 pertaining to the countries evolved from Yugoslavia (this is not mentioned above). The CFE clearly advanced peace in Europe, until Russia suspended its commitments therein because of NATO expansion and U.S. encirclement of the Russian sphere of influence. The above noted Sub-Regional agreement took years to show positive effect.

No agreement has fully stemmed the flow of weapons on the black market, although the aforementioned UN Register attempts such. The critical issue remains the amount and type of arms transfers, whether legitimate or not. If the volume is not reduced, even among allies, and arms transfer is not proscribed to (potential) conflict regions or countries, violent conflict resolution will continue.

CONVENTIONAL ARMS TRANSFERS

Arms transfers include legitimate and black market trade of conventional weapons through the sale of conventional weapons that are exported to another country by both governmental and private entities, and military aid in the form of grants and gratis provision of weapons. Legitimate arms trade also includes the licensing of technology in technology transfers for the production of weapons and weapons' use of management related to software.

Major exporters of conventional armaments to national states, inclusive of technology, since the end of World War II have tended to be the same group of countries. By financial value, the

United States far surpasses every other country. In 2008, for example, globally, the United States delivered \$12.2 BB (38.4%) of the \$31.8 BB transferred armaments and concluded \$37.8 BB (68.4%) of the \$55.2 BB of arms transfer agreements. The United States also was the major provider of \$7.4 BB (or 40.9 percent) of arms transferred to developing countries and concluded 70.1 percent (\$29.6 BB) of the \$42.2 BB in arms transfer agreements with developing countries.⁵ Since WW II, the key linkage between armed conflict areas and weapons transfer is increasingly the United States (which is a major arms exporter to the area/group or directly and militarily involved) and developing countries where most conflicts occur.

Black-market arms trade is largely sustained by intra-state conflict where insurgents or rebellious groups seek diverse levels of autonomy against governmental entities and by the demand for weapons from organized crime. Examples of such are as recent as U.S.-nongovernment-originated gun-running to Mexican crime syndicates affiliated largely with the drug trade and pirate activity around the straits of Malacca or Somalia, or as old as the Iran-Contra swap, Kurdish nationalists in various countries attacking their governments, and CIA-smuggling of weapons to Islamic jihadist fighting the Soviet forces occupying Afghanistan.

Black-market trade principally encompasses small arms and light weapons (SALW--assault rifles, mortars, grenades, land mines, hand-held missiles, etc.), but does not exclude more sophisticated technologies and heavier weapons or delivery systems. With the end of the Cold War and the various peace processes in Central America, many surplus weapons are being placed in the market for legal and illegal trade.

While governments are at some level generally interested in controlling arms transfers for their self-interest (political and economic), there are other concerns related to order, stability and human rights treatment that are relevant to arms control measures. This suggests it is advisable to restrict the transfer of armaments from both (potential) conflict situations and from repressive regimes that deny various rights to their citizens and inhabitants.⁶

The United Nations has taken many steps towards curtailing the spread of these weapons as well as their legal and illegal movement. The UN Register of Conventional Arms database (1992-2006) has a wealth of information about arms transactions between states, but widespread involvement by major arms exporters in providing data is deficient. Coordinated actions relying on agreements between all international governmental export control agencies to enforce even legitimate arms trade among their member states leaves much to be desired. The UN is presently working to develop an internationally legally binding treaty for its member countries to control the import, export and transfer of conventional arms.

⁵ Richard E. Grimmett, Congressional Research Service, (CRS Report for Congress), "Conventional Arms Transfers to Developing Countries," September 4, 2009, pp. 8-9.

⁶ For example, the Council of the European Union, Council Common Position 2008/944 as an amendment of its 1998 EU Code of Conduct on Arms Exports, Criteria 3 of the Common Rules Governing Control of Exports of Military Technology and Equipment, which are legally binding for its members, proscribes arms exports and military technology if such were to result in serious violation of international humanitarian law. These Common Rules also require EU members to assess the possibility of re-export to undesirable parties and to report publicly on each member's actual annual export of military technology and equipment.

In 1998, the European Union established a legally binding Code of Conduct on arms exports for its members to follow. This represents one model for coordination of arms control trade. The Code dealt with not only the transfer of military equipment and technology to non-member countries, but also applied to intra-member transfer and established common criteria in its application and required members to assess the risk of re-export in case of recipient non-member countries. These guidelines were also applicable to dual-use technology and equipment.

The United States and its allies are moving toward a system of control of military technology and equipment that permits flow within trusted countries, whether recipients are party to multilateral arms export control treaties or not. The United States, along with the other four members of the UN Security Council, have been monitoring the proliferation of weapons of mass destruction and the export controls of UN members concerning WMDs since 2004.⁷

In 2007, during the Bush administration, the United States attempted to conclude bilateral arms export licensing (defense trade cooperation) agreements with Australia and the United Kingdom, but these, too, have not been ratified by the U.S. Congress because of (a) concern over both the degree of oversight exercised on licensing authorities and the dependency on internal administrative systems of private companies, not governmental entities, (b) national laws of treaty partners that (fail to?) prevent unauthorized re-transfer, and (c) potential diversion to Chinese users.

As of 2008, the UN and the European Union have in force some 27 arms embargoes, most overlapping, against various governments, non-governmental forces and transnational networks.

EMERGING POLICY ISSUES

The control of conventional weapons is an emerging issue. Some of the issues on the U.S. policy agenda include the following. (While acknowledging a need for a multi-lateral approach, it is important for the United States to exercise leadership and establish realistic models.)

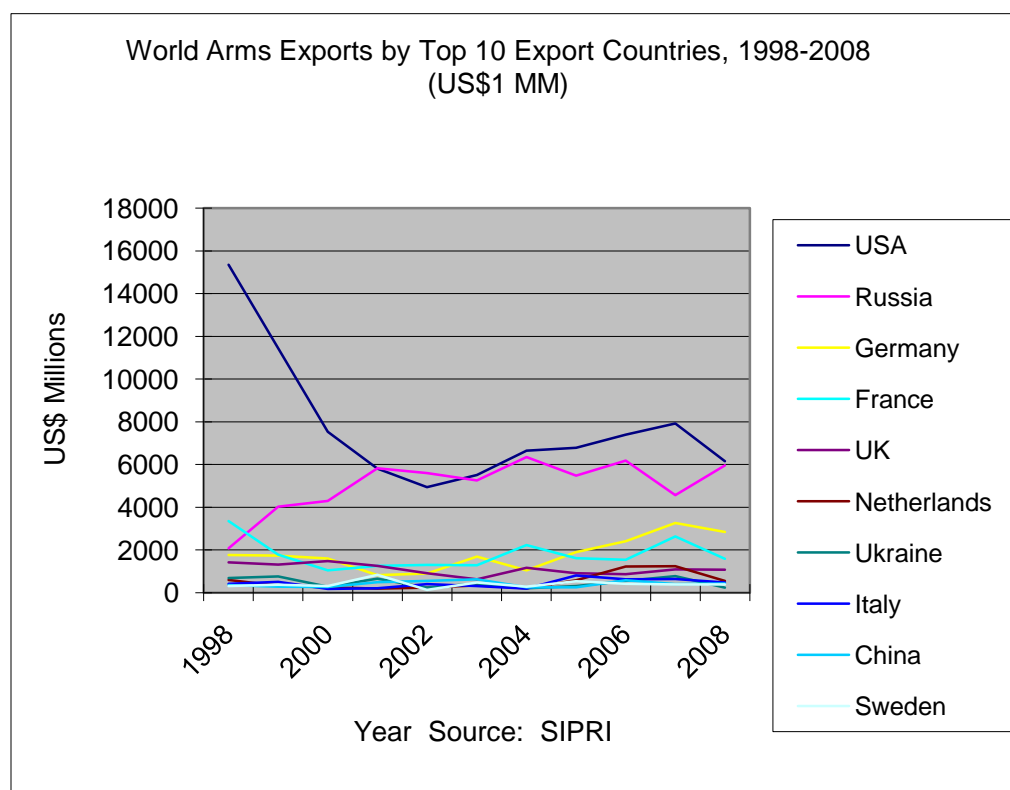
1. Ratification of the Agreements and Conventions, noted above, that it has already signed;
2. Whether to assume leadership amongst major non-signatories in signing: (a) Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, and (b) Convention on Cluster Munitions;⁸
3. Whether to expeditiously report to the UN Register of Conventional Weapons the transfer of small arms and light weapons;

⁷ UN Security Council Resolution 1540 and Resolution 1810 (adopted in 2008) to strengthen the original resolution.

⁸ Human Rights Watch has identified the United States as the country that produces six of the twelve mostly widely used cluster munitions that have had the most notorious harm on civilians. These include the M26 MLRS rockets, two types of 155 mm projectiles, and three types of bombs (Rockeye, CBU 87 CEM, CBU 588). It appears that the United States may have been the source for new types of cluster munitions, DIME (dynamic intense metallic energy) weapons, used by the Israelis against the Palestinians in Gaza in January 2009.

4. Whether to refrain from transferring conventional weapons, inclusive of, but not limited to, dual-use equipment except for humanitarian needs, chemicals, cluster munitions, mines, delivery systems, etc., to conflict regions or regions where potential conflict may realistically arise;
5. Whether to reduce overall military expenditures, particularly those related to Small Arms and Light Weapons (SALW) unless for police purposes;
6. Whether and how to strengthen export control and inspection systems to deter and reduce black market trade in weapons.

Reference Attachments



Regional Arms Deliveries by Supplier to Developing Countries, 2001-2008
(Unit: current US\$ 1 MM)

	Asia		Near East		Latin America		Africa	
	2001-2004	2005-2008	2001-2004	2005-2008	2001-2004	2005-2008	2001-2004	2005-2008
USA	8,531	9,908	15,898	19,699	666	1,342	110	154
Russia	14,700	11,800	1,800	4,000	100	3,200	700	200
France	1,200	1,700	7,700	1,700	200	400	100	-
UK	1,500	1,400	14,500	5,900	-	400	-	700
China	1,900	2,200	800	1,300	-	400	400	700
Germany	2,300	1,500	100	300	-	-	600	900
Italy	100	200	100	-	300	100	100	300
All Other European	2,600	1,900	3,500	1,400	600	1,100	600	700
All Others	3,300	1,700	1,200	900	800	300	500	200

Source: US Government

Note: U.S. arms exports to the Near East are concentrated in importing countries of Israel, Egypt, Saudi Arabia, UAE. These do not include weapons supply and shipment to Iraq and Afghanistan.

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