

USAWC STRATEGY RESEARCH PROJECT

CONVENTIONAL ARMS CONTROL THEORY AND PRACTICE: WHERE SHOULD UNITED STATES  
POLICY GO IN THE POST-COLD WAR AND POST-9/11 ERA?

by

LIEUTENANT COLONEL GARY B. BROWN  
UNITED STATES ARMY

Colonel George Teague  
Project Advisor

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U.S. Army War College  
CARLISLE BARRACKS, PENNSYLVANIA 17013

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## ABSTRACT

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Conventional arms control theory and practice matured during the prolonged period of the Cold War. Treaties, agreements, mandated inspections, and the institutions that managed them became, and remain, almost routine and entrenched. However, the end of the Cold War has resulted in a limited re-evaluation of arms control objectives, processes, and institutions. Many agreements were based on East-West or NATO-Warsaw Pact divisions. Since the Warsaw Pact no longer exists, and Cold War era tensions between *East* and *West* are markedly reduced, several questions concerning existing arms control agreements arise. Does arms control serve the same purpose today as it did during the Cold War? What measures of effectiveness should be applied to arms control in the post-Cold War and the post-9/11 era? How does arms control help serve United States security interest in the current world order? Assuming the United States wants to continue conventional arms control in the post-Cold War and post-9/11 world: where should the United States policy go?

To answer these questions an examination of United States policies regarding large numbers of conventional armaments (both in necessary standing forces and those excess to a nation's requirements), stockpiles of aging and excess munitions, the control and management of stockpiles of Small Arms and Light Weapons (SALW), and existing arms control agreements and treaties must be accomplished. This paper will examine arms control history and current initiatives in order to argue that arms control is still valid in the post-Cold War era and make recommendations on where U.S. policy should go. Unconventional and strategic weapons and their respective treaties or agreements (i.e. Biological Weapons Convention (BWC), Chemical Weapons Convention (CWC), and Nuclear Weapons) are not considered in this review.



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## CONVENTIONAL ARMS CONTROL THEORY AND PRACTICE: WHERE SHOULD UNITED STATES POLICY GO IN THE POST-COLD WAR AND POST-9/11 ERA?

Conventional arms control theory and practice matured during the prolonged period of the Cold War. Treaties, agreements, mandated inspections, and the institutions that managed them became, and remain, almost routine and entrenched. However, the end of the Cold War has resulted in a limited re-evaluation of arms control objectives, processes, and institutions. Many agreements were based on East-West or NATO-Warsaw Pact divisions. Since the Warsaw Pact no longer exists, and Cold War era tensions between *East* and *West* are markedly reduced, several questions concerning existing arms control agreements arise. Does arms control serve the same purpose today as it did during the Cold War? What measures of effectiveness should be applied to arms control in the post-Cold War and the post-9/11 era? How does arms control help serve United States security interest in the current world order? Assuming the United States wants to continue conventional arms control in the post-Cold War and post-9/11 world, where should the United States policy go?

To answer these questions an examination of U.S. policies regarding large numbers of conventional armaments (both in necessary standing forces and those excess to a nation's requirements), stockpiles of aging and excess munitions, the control and management of stockpiles of Small Arms and Light Weapons (SALW), and existing arms control agreements and treaties must be accomplished. For conventional armaments, the Conventional Forces in Europe Treaty (CFE), the Vienna Document of 1999 (VD99), and Articles II, IV, and V (Annex 1B) of the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Accords) are examined for four predominant reasons:

- The conditions under which they were negotiated and designed (large conventional armies in the wake of two major wars (WW I and II) (CFE/VD99);
- The actual implementation and endurance of these agreements in the Post-Cold War era;
- Their use as a model for developing and implementing subsequent arms control documents; and,
- The familiarity with these agreements by the general population due to their years of existence and large area of application.

This paper will utilize this arms control history and also examine current initiatives in order to argue that arms control is still valid in the post-Cold War era and make recommendations on where U.S. policy should go. Unconventional and strategic weapons and their respective

treaties or agreements (i.e. Biological Weapons Convention (BWC), Chemical Weapons Convention (CWC), etc.) are not considered in this review.

## **THE PURPOSE OF ARMS CONTROL**

Historically arms control can be traced back to the year 1139 where comments can be found about the destructive effects of the crossbow and reasons to limit this weapon system.<sup>1</sup> More recently the past century witnessed numerous attempts to control conventional armaments and their trade. In the aftermath of World War I global opportunities for arms control were identified. Conferences such as the 1919 St. Germain Convention and 1925 Geneva Convention on Arms Trade attempted to limit and control the trade in arms, ammunition, and the implements of war.<sup>2</sup> In 1929 a special commission established by the League of Nations attempted to exert control over the private manufacture of weapons.<sup>3</sup> Later, in 1932, the first world disarmament conference was held that led to comprehensive agreements over the limitation of armaments and the prohibition of certain methods of warfare.<sup>4</sup> Unfortunately these years of intense work were ultimately rendered moot in 1936 as Germany began its march toward World War II (WWII).<sup>5</sup>

The post-WWII era recorded another surge in attempts to limit arms, some imposed by the Allies upon the former Axis powers, others resulting from internal motivations as states moved towards demilitarization as a product of the resulting peace. Ultimately a new UN raised collective participation in the international front on arms control. The UN formed commissions in 1946, 1952, and 1978 to tackle the complex issue of limiting armaments.<sup>6</sup> Throughout this time period the United States was an active player in the arms control process.

The development of atomic and nuclear weapons, combined with the U.S. rise as a superpower, significantly increased U.S. activity and roles it would play internationally. Ground breaking treaties reducing nuclear weapons began in the late 1960s and early 1970s. Treaties such as the Strategic Arms Reduction Treaty (START) and Intermediate Nuclear Forces Treaty (INF) sought to reduce the excess nuclear weapons stockpiles that the Cold War arms race had created. Over time these treaties have grown to include environmental and technological updates or have provided opportunities to negotiate additional reductions based on the initial agreements (START II, III). Conventional arms control evolved from this same process.

Agreements such as the Conventional Forces in Europe (CFE) and the Vienna Document of 1999 (VD99) sought to reduce the massive conventional forces arrayed in opposing Cold War camps. The goals were reducing the threat of offensive operations and promoting stability and security in a Europe already ravaged by two World Wars.<sup>7</sup> In the post-Cold War era, other arms

control agreements such as the Dayton Accords were created in order to separate hostile forces and reduce their respective conventional armaments as part of the conflict's termination and efforts to impose stability.<sup>8</sup>

While these documents generally focused on large caliber weapons (100mm or larger), since the end of the Cold War the world has seen a resurgence of small, nationalist, ethnic, and regional conflicts fueled by relatively inexpensive and widely available small arms. Stockpiles of weapons manufactured to equip the armies of the Cold War or left over from the limited wars of the same era (i.e. the Soviet invasion of Afghanistan) now arm regional factions, organized crime, terrorists, and insurgents around the world. The former Soviet Union is just one example of a region with excess arms production and stockpiles of small arms and light weapons (SALW). With its massive arms producing industry, improper stockpile management and security measures, corruption, and limited governmental oversight, Russia is not necessarily sensitive to the direct or indirect second-hand transfer of weapons to clients that may serve to destabilize a region. However, the world has recognized that SALW can have destabilizing effects, and recent multilateral and unilateral initiatives have begun to address this problem.

These initiatives can generally be categorized as either *hard* or *soft* arms control programs. Hard arms control treaties or agreements are focused on the concrete reduction of specific numbers and types of armaments. The intent is to provide security through a reduction in capability. These are often legally binding and the language of these documents is directive (i.e. shall or will). Soft arms control agreements, on the other hand, are focused on openness and transparency. Confidence building is accomplished by constraining activities and verifying the intent of operations. These are more likely to be politically binding documents with language that recommends actions (i.e. should or may).

Further, for the purposes of this paper, conventional armaments [battle tanks, combat aircraft, helicopters, armored combat vehicles, and artillery (100mm or larger)] and small arms and light weapons (individual and crew served weapons and munitions) are discussed separately. This is how both the international community and the United States currently address these issues. To begin to understand the utility of these agreements and treaties, one must first understand what they are and how they propose to complete their tasks.

## **A HISTORICAL PERSPECTIVE OF AGREEMENTS**

### **CONVENTIONAL FORCES IN EUROPE TREATY (CFE)**

On November 19, 1990, the CFE treaty was signed by 22 countries in Paris after years of negotiation. The treaty sought to reduce the massive conventional offensive capability that had

accumulated in Europe as a result of the Cold War. This legally binding treaty sought to accomplish this by limiting five types of conventional weapons: tanks, armored combat vehicles, artillery, attack helicopters and combat aircraft. As a *hard* arms control document, specific numerical limitations were placed on both NATO and the Warsaw Pact by both type of armament and their specific location. The CFE also imposed a zonal structure that formed the basis for the limitations, encompassing all of Europe from the Atlantic Ocean to the Ural Mountains in Russia.<sup>9</sup>

Enforcement of the treaty was accomplished through short notice inspections of both reported military garrisons and areas where military activity was believed to be taking place, within the zone of application. An additional regime of inspections for equipment that was reduced (destroyed or converted) to reach the numerical limitations was also established. Compliance with the established numerical limitations was required within the first 3 years after entry in force of the treaty, although additional reductions continue today.

This basic system is still in force today. Although the USSR and the Warsaw Pact no longer exist, former Soviet Union (FSU) states have subsequently and independently ratified the treaty. These states have also agreed to the division of quotas in order to apply the inspection regime to each new state. The United States is an active participant in, and vocal supporter of, this treaty in its original form, as little latitude exists within the current language of the document to change or update the treaty without re-ratification by all signatories.

#### THE VIENNA DOCUMENT OF 1999

Originally formulated by the Organization for Security and Cooperation in Europe (OSCE) through the Helsinki Final Act of 1975 and the Stockholm Agreement of 1986, the current Vienna Document of 1999 has evolved and had numerous updates (1990, 1992, 1994) to keep it relevant. A *soft* arms control document, it is politically binding. It attempts to promote security through a series of Confidence and Security Building Measures (CSBM). These CSBMs limit the number of military activities that exceed specific numerical thresholds and require advance notification of all state parties prior to the conduct of these exercises. The ceilings involve troop numbers as well as the quantities of armaments divided into the categories of battle tanks, armored combat vehicles, and artillery pieces. Requirements for reporting the numbers of combat aircraft sorties participating in the exercises are also imposed.<sup>10</sup>

The agreement also established an inspection and evaluation regime to enhance transparency. These inspections and visits to garrisons or to notifiable activities, however, are intended more as verification of intent rather than strict number counting as in the CFE treaty.

Emphasis is placed on military-to-military contact and communication between state parties. The agreement also requires the exchange of military budgets, planning calendars, and the observation of newly fielded equipment.<sup>11</sup>

The United States' approach to the agreement is similar to that of the CFE; it is focused on a literal implementation and enforcement of the agreement. This is often perceived as largely intrusive by the other signatories. The majority of our European allies take a much more 'neighborly' approach to the agreement, stressing communication and an open exchange of information. Also, as an agreement and not a treaty, changes can and have been made to the document to keep it relatively current with a changing European environment. These have generally occurred at two-year intervals. As an internal review process, the agreement also has an annual review program that encourages updates to the document.

#### THE GENERAL FRAMEWORK AGREEMENT FOR PEACE IN BOSNIA AND HERZEGOVINA

As a result of the war in the Balkans, a peace agreement was signed in Dayton, Ohio, on 1 December 1995. This agreement, commonly referred to as the Dayton Peace Accords, required a number of actions to secure peace, such as the establishment of the Implementation Force (IFOR). Also imbedded in these requirements were specific arms control procedures dictated by Articles II, IV, and V (Annex 1B) of the agreement. These measures would be monitored by the OSCE.<sup>12</sup> Lessons learned from both the CFE and Vienna Document regimes formed the basis for the language of these particular articles. Many direct quotes and required procedures were taken verbatim from these documents and utilized in the Dayton Accords articles.

Measures employed by Article II of the Dayton Accords come under the heading of CSBMs. The goals of these are the same as the Vienna Document - promote stability and security through communication and transparency. Some modifications and the addition of categories, such as heavy weapons, were included but the primary inspection regime built on transparency remained focused on observing notifiable activities and the annual exchange of information.<sup>13</sup>

By contrast, Article IV of the Dayton Accords is a hard arms control procedure modeled on CFE. Specific numerical limitations by category, again taken conceptually and often verbatim from CFE, are imposed. Inspections are focused on verifying the number of armaments by category in reported garrisons as reported in the annual exchange of information.<sup>14</sup>

The United States plays an advisory role in this agreement and participates at the invitation of the signatories, which vary slightly from article to article, in coordination with the

OSCE. Non-signatories are permitted by the agreement to send personnel on inspections as *assistants*. The intent of the assistants is to help in the implementation of the agreement based on the country's experience with other treaties and to report progress or issues back to the OSCE.<sup>15</sup>

#### SMALL ARMS AND LIGHT WEAPONS

Addressing the UN in September 1999, Secretary of State Albright highlighted the fact that there is a need for an integrated and comprehensive response to the proliferation of small arms.<sup>16</sup> Unfortunately there is no current international standard for the reporting, tracking, or control of SALW. The UN, European Union (EU), OSCE, Organization of American States (OAS), and the United States, to name a few, are all working on different and generally unilateral approaches to counter the proliferation of SALW. A project underway to unify these efforts with a UN Plan of Action (POA) was initiated in 2001, but this project is just beginning and large gaps still exist. The lack of transparency (visibility and accountability of transfers) of manufactured arms and on-hand stockpiles is but one significant example. Without an accepted standard of transparency or an established baseline it is difficult to even accurately gauge the magnitude of the problem.<sup>17</sup>

Highlighting another aspect of the problem is the fact that only recently has there been an agreement on a common SALW definition. The United States has, of late, adopted the UN and OSCE definition of SALW. For the purpose of this document that definition is used:

Small Arms are those weapons manufactured to military specifications and designed for use by one person, whereas light weapons are those used by several persons working as a crew. Ammunition and explosives needed for small arms and light weapons are also included in the definition.<sup>18</sup>

This definition includes weapons below the caliber of 100mm and man-portable air defense systems (MANPADS), which have become a particularly significant focus for the new U.S. Department of Homeland Security given the current terrorist threat and recent acts against commercial airlines in Africa.<sup>19</sup>

Regional or unilateral agreements continue to emerge to address the small arms threat, often as part of larger CSBMs associated with other conventional arms control agreements such as the Vienna Document of 1999. An example of one cooperative effort is the Wassenaar Arrangement on Export Controls and Conventional Arms and Dual-Use Goods and Technologies, an attempt by 33 countries to control the proliferation of SALW.<sup>20</sup> It is not a UN, OSCE, or U.S. initiative; rather it is one methodology adopted by one multilateral group. While the United States is a late addition to this agreement, as with many other international

agreements, it has chosen to develop its own individual tactic external to many of the other collective efforts.

## **MEASURING EFFECTIVENESS**

### **CONVENTIONAL ARMAMENTS**

Since the entry into force of the CFE treaty concrete statistics such as reducing 59,000 tanks, armored combat vehicles, artillery pieces and combat aircraft are easy to measure.<sup>21</sup> Each signatory's voluntary reduction of their standing army's manpower is an additional measure of accountability. More intuitive measures include annual reporting requirements which have necessitated the positive control and accounting over the individual types and management of armaments. Inspection regimes have verified the location and numbers of reported equipment and the actual intent of large-scale military operations. As another byproduct, military-to-military contacts have been accomplished fostering additional bilateral training events and exchanges. In the end this treaty has fostered communication, security, and stability. It has also worked to reduce the counterproliferation of excess armaments to conflict regions, established additional bilateral agreements between neighboring states, and reduced belligerent countries' abilities to negatively influence or threaten their neighbors. However, there remain problems with new issues that were not envisioned during the Cold War era. Temporary deployments, advances in technology (i.e. UAVs), and an outdated bloc vs. bloc framework limit the full potential of the treaty.

In regards to the other agreements, both the Vienna Document and Dayton Accords provide some of the same benefits and measures of effectiveness. This is likely why there is continuous movement on adapting or updating these agreements as opposed to just terminating the established regimes. Elements of both documents also encourage additional CSBMs in the form of bilateral agreements and military exchanges. Once again these are easy to document such as the case of Hungary, which has initiated a number of bilateral agreements with its neighbor states. It has levied additional notifications of troop movements, internal restrictions, and additional inspections in sensitive border regions. These are aimed at building confidence and stability between traditional state rivals. One issue, however, remains with these documents for the future and it regards the almost routine approach to executing them.

Given that the intent of the documents is to create a transparent and routine atmosphere, there is inherently a negative potential to this concept -- a lack of rigor in implementation. While steps have been taken to keep the document relevant, no action has been forthcoming to remind state parties that inspections and visits are there to verify or confirm intent. This rigor is

a way to remind state parties, with or without technical means, that interested states are watching and that security is in all of their interests. Actions that are observed that are contrary to this should be noted so that appropriate diplomatic pressures may be applied. As time passes the potential for complacency grows without vigilance.

#### SMALL ARMS AND LIGHT WEAPONS

An effective SALW program equates to a transparent international regime that eliminates the proliferation of illicit weapons. SALW stockpiles should also meet a universally accepted standard for security and the management of inventories. Excess stockpiles or retired systems should be destroyed with accepted procedures and detailed accounting and verification policies. The program should involve multi-lateral agreements that are properly administered, accomplishing the preceding tasks plus setting universally accepted and enforceable standards for export control, and require second hand transfer procedures and notifications to be effective.

Such programs have been initiated in a small number of selected countries, in which the United States and several of its allies have destroyed 414,291 small arms and 44,420,303 pieces of ammunition, of all calibers (as of June 2003).<sup>22</sup> This was accomplished at a cost, to the United States, of \$5,250,000. Although quantifiable numbers such as these can provide a method to gauge success, these numbers must be placed in the proper context. This particular example only involved 10 countries and a relatively small quantity of weapons and should serve to highlight the potential scope of the problem across the globe.

Both conventional arms and SALW control efforts reduce the potential threats and promote both internal (to other states) and regional security and stability. At the heart of an effective arms control program is the transparent exchange of information. A detailed, accurate, and current accounting of arms (no matter the size) in a universally standard format forms a foundation that ensures the positive control of these items. Furthermore, an agreed upon regime of inspections that independently and visually confirm holdings provides rigor and concrete measures of a mature arms control program. This concept is summarized in the motto of the former On-Site Inspection Agency (OSIA), the predecessor to today's DTRA, "trust, but verify."

## THE UNITED STATES AND WHAT IS BEING DONE?

### CONVENTIONAL ARMAMENTS

In reviewing the National Security Strategy of the United States direct statements on arms control and non-proliferation are focused on, and appear to be limited to, Weapons of Mass Destruction (WMD). However, arms control intuitively is a component of the efforts underway to meet the U.S. objectives of promoting stability, democracy, and security that fosters global free trade. Additionally, generating policy for arms control is important enough to be deliberated and acted upon in the interagency process by the National Security Council (NSC) Policy Coordination Committees (PCC). Arms control is one of fifteen functional topics under the PCC.<sup>23</sup> Currently the Under Secretary of State for Arms Control and International Security chairs this committee and is the senior advisor to the NSC and the President for arms control issues.<sup>24</sup> The Joint Staff J5, Arms Control Policy Directorate, leads the military component of the arms control effort in the interagency process.

As far as conventional armaments are concerned, as already noted, the United States is a signatory to a number of arms control agreements and treaties. These documents have allowed the United States to remain engaged in the reduction of conventional arms stockpiles and assist in providing both internal and regional stability. Outside these treaties, financial aid has also been provided to assist countries in destroying armaments when either the will or finances inhibit states from accomplishing this alone.

Amendments to the CFE treaty have been underway for a number of years. In November of 1999, an agreement was finally reached on measures changing the CFE treaty to reflect the current world situation. When ratified, modifications will eliminate the bloc and zone limitations dictated by the Cold War alignments and establish a structure of national and territorial limitations for armaments. These changes will only apply to tanks, armored combat vehicles and artillery pieces. New national ceilings will also require adjustments due to foreign-stationed forces such as those supporting NATO operations. Amendments also address temporary deployments and military exercises, requiring regular notifications to other state parties. Another key revision is the accession of new states to the treaty. Collectively these changes will make the treaty significantly more relevant now and in the future once ratified.<sup>25</sup> Unfortunately ratification by all member states has, to date, not occurred.

The Vienna Document has had a routine history of updates. As noted earlier, modifications in 1990, 1992, 1994, and 1999 addressed problems encountered in implementing

the agreement and changes required by an evolving Europe and individual state parties. This process continues today as a built-in update process to the document.

Action and change is not limited to CFE and VD99 alone. Work such as that just described has also led to a new Protocol under Article II of the Dayton Accords. In 2001, after exhaustive negotiation, a Protocol was established governing visits to weapons manufacturing facilities as a new CSBM.<sup>26</sup> The goal is to foster additional transparency by allowing interested state parties to examine neighboring states' weapons production and control measures, thereby increasing confidence and security against offensive intent. The OSCE is also promoting an additional step in Article V of Annex 1B of the Dayton Accords by organizing and conducting negotiations through its Forum on Security Cooperation (FSC). It attempts to establish a regional balance in and around the former Yugoslavia (FRY) with inspections and a standing commission.

#### SMALL ARMS AND LIGHT WEAPONS

While the proliferation of SALW is not directly addressed in the National Security Strategy of the United States, one can argue that the readily available supply of SALW undermines its objectives. U.S. abilities to defuse regional conflicts, foster democracy and establish peaceful relations are all placed at risk by the uncontrolled flow of arms.<sup>27</sup> Efforts to counter the proliferation of SALW are a component of a larger policy objective to work with other nations to defuse regional conflicts and champion human dignity. In order to address these problems and recommend policy initiatives and appropriate courses of action, the United States has established several executive branch interagency working groups on small arms and firearms issues.<sup>28</sup> The Departments of Defense, Treasury, and State are some of the key actors in this ongoing fight and process.

These interagency working groups have influenced U.S. policy on countering the proliferation of SALW to focus its efforts on three main approaches. The first approach is based on export control. This strategy is centered mainly on the manufacture and distribution of SALW. It has endeavored to place the following standards on export control: (1) the establishment of licensing regimes; (2) the development of common weapons marking and tracing procedures; and (3) the encouragement of transparent or open arms transfer practices.<sup>29</sup> The United States also seeks, as part of this control, to ensure other governments adhere to arms moratoriums and embargoes and prevent the transfer of these weapons to conflict areas.<sup>30</sup>

A second approach by the United States is the SALW Destruction Program. The Department of State (DOS) leads this effort through its Office of Weapons Removal and Abatement (WRA) with support from the Department of Defense. This program physically assesses a country's stockpile and establishes in-country destruction operations (funded by DOS). The goal of this agenda is to keep SALW from appearing in the hands of criminals, terrorists, or insurgents and threatening stability. Combatant commanders are integrated into this program by enabling mil-to-mil contacts and fostering regional stability in their respective areas of responsibility (AOR).<sup>31</sup>

A third approach is through the Physical Security and Stockpile Management (PSSM) assistance program led by the Department of Defense. This program is designed to help governments improve the security and accountability practices exercised by both military and national police forces. Training is conducted on how to manage, improve, or redesign systems and facilities to better control stockpiles of weapons. The target for this program is illicit arms transfers and direct support of combatant commanders' regional security plans.<sup>32</sup>

## **WHERE SHOULD UNITED STATES POLICY GO?**

### **CONVENTIONAL ARMAMENTS**

Policy regarding these treaties and agreements is a product of the interagency working group on arms control working at or below the PCC level. Both OSD and the Joint Staff (J5) have sections devoted to the execution and interpretation of these policies for the DOD. Combatant commanders also have sections, where applicable, devoted to support the implementation of the policies within their commands. The Defense Threat Reduction Agency (DTRA) generally has the lead for the implementation and execution of inspection and escort regimes as the U.S. Government representatives.

The ratification of the Adaptive CFE Treaty remains on hold. Since 1999 the majority of NATO countries have held up ratification, led by the United States, until Russia meets political agreements it made on the withdrawal of forces and equipment from Georgia and Moldova.<sup>33</sup> The Russian Federation has met its Flank (additional numerical limitations which also have been inhibiting progress in the past) and Georgia obligations, but has been slow to withdraw its forces and equipment from the country of Moldova. Until that happens the United States and others following its lead, while collectively recognizing the merits of the change, will not ratify and subsequently put in force the Adaptive CFE Treaty.

Unlike CFE, the Vienna Document, partly due to it being a politically binding agreement and not a treaty, has not suffered the same fate. Annual review conferences enable the

collective body of states to discuss, debate, and agree to changes to the document. Standing forums and diplomatic missions in Vienna provide venues for discussion of implementation issues (CFE has these forums as well, but because it is a treaty, changes require ratification by all signatories, thus modifications move more slowly, if at all). The United States is an active member of these bodies through the Department of State and Department of Defense (DTRA, JS, and OSD). The United States does, however, take a more literal approach to the agreement, sometimes at odds with its allies, and it continues to stress a necessary rigor that should be maintained in the application of the requirements of the document.

Under the Dayton Accords the signatories (Article II – Bosnia and Herzegovina, Federation of Bosnia and Herzegovina, Republika Srpska; Article IV – Republic of Croatia, Federal Republic of Yugoslavia, Bosnia and Herzegovina, Federation of Bosnia and Herzegovina, Republika Srpska) have made comments that the role of assistants and that of the OSCE may no longer be needed or may require significant modification (limitations). The original role of the assistants was to help in the implementation of the Articles, based on lessons and experience gained from CFE and VD99. After eight years of implementation, the affected state parties no longer feel they need the help. The United States is not a signatory to the Articles and fulfills its role as an assistant through the OSCE. This allows it to remain engaged in the region outside just Annex 1A that specifically implemented IFOR/SFOR. Articles II and IV are likely to be more enduring than the SFOR mission and less visible or intrusive.

Regardless of the details of those treaties or agreements, the United States, due to its influence and resources, must remain an active participant even if this is limited only to an advisory role. To date, while the international community (i.e. UN, OSCE, EU) is engaged it does not have the resources, either money or military personnel, to sustain this role alone. However, as the EU matures, it may provide an opportunity, in Europe, to take on a larger role.

Additionally, universally arms control programs require the maintenance of rigor in their application, especially in their inspection regimes, in order not to dilute the effectiveness of the agreements. In recent years as other countries have begun to relax the standard of enforcement, the United States has remained a champion of inspection rigor.

#### SMALL ARMS AND LIGHT WEAPONS

The UN, OAS, EU, OSCE, and even NATO all have initiatives with which the United States is diplomatically involved to address the issue of SALW.<sup>34</sup> Unfortunately these approaches differ not only from each other but also from the approach the United States believes should be agreed upon to deal with the problem.

A major issue the United States has with many multilateral, non-U.S. sponsored efforts is concern over prospectively legally binding aspects of agreements that will currently, or potentially in the future, violate 2<sup>nd</sup> Amendment constitutional rights. Currently this revolves around the issue of marking and tracing of small arms. A UN First Committee will soon meet to discuss this issue. In response to this action, the United States has been actively pursuing a campaign of influence supporting better business practices and agreed procedures short of any legally binding agreements in order to avoid violating the U.S. Constitution.<sup>35</sup> U.S. reluctance to enter into these legally binding agreements due to constitutional concerns (levied by powerful gun lobbyists) tends to limit the effectiveness of such international agreements. It is also counterproductive to the potential addition, by influence or coercion by the United States, of recalcitrant countries or failing states that are critical to any comprehensive agreement.

Additionally, while the WRA programs are now being funded at three million dollars for 2003, up from two million in 2002, these vital efforts have been fiscally limited to ten countries. The magnitude of the issue pales with even a rudimentary examination of the sheer quantity of weapons in existence around the world and the number of states either failing or at risk of small arms proliferation. Current U.S. economic commitments are well short of an adequate focus on the problem, especially considering that Cooperative Threat Reduction (CTR) programs aimed at destroying large caliber weapons and nuclear armaments are being funded in hundreds of millions of dollars. While most things come down to funding, dollars invested in counterproliferation prior to conflict initiation are generally less than those invested in the deployment of military force or peacekeepers at the end of a conflict for an extended duration.

Efforts in Albania, Angola, Bulgaria, FRY, Guinea, Lesotho, Mozambique, Philippines, Romania, and Senegal have produced some success in the destruction of over 400 thousand weapons and 44 million munitions. However, this success is overshadowed by glaring failures elsewhere. Inaction in Nigeria and Ecuador led to deterioration and subsequent explosions of munitions causing hundreds of casualties.<sup>36</sup> Similarly the absence of adequate arms control measures allowed small arms to flow from Georgia and Albania to Chechnya and Kosovo, fueling conflicts in each of those regions. Numerous other failing or weak states stand at the same brink often unwilling or unable to take corrective action alone.

The approach the United States is attempting to get at through its current programs, but falls short of, involves more direct engagement in pre and post conflict areas. It should further be argued that this is a unilateral and not a multilateral approach. Jo L. Husbands, Director of the Committee on International Security and Arms Control of the U.S. National Security Institute, laid out the details of this same direct engagement methodology in 1995 as a method for SALW

control.<sup>37</sup> He advocated a strategy that should be applied at different stages of a conflict: before conflict begins; while conflict is underway; and when the fighting stops.

Controlling SALWs *in the before conflict begins stage* would require transparency of arms flows and acquisitions. This could be part of regional security arrangements that likely would require consultation prior to the purchase of SALW. The current U.S. policy is attempting this, in part, by advocating national export control. Husbands argues that the principal goal at this stage is to limit or regulate the flow of arms available to potential combatants.

As *the conflict is underway*, embargoes and moratoriums on SALW could cut the supply. Whether this would terminate the conflict early is debatable, but it could potentially prevent the conflict from expanding. Again, the United States focus on export control attempts to address this stage, and it usually supports UN mandated embargoes.

The *conclusion of the conflict* is the most difficult stage. Disarmament and demobilization are significant challenges based on the nature of the conflict. Here the author argues that the key to successful disarmament is the timing.<sup>38</sup> The fear of reprisals and the retaining of armaments should cease-fire or peace accords breakdown are impediments to the success of disarming belligerents. It is also important to note that this is a critical stage in the global counterproliferation mission due to the potential for the weapons availability to fuel future conflicts. Residual armaments remaining from terminated conflicts often migrate to other regions due to their transportability, access, and sheer number. Focused attention on disarmament and adequate control of SALW in this stage could significantly reduce the available market to other actors on the verge of their own internal or external fight.

## **RECOMMENDATIONS**

### **CONVENTIONAL ARMAMENTS**

Conventional arms control programs have made progress in meeting U.S. objectives where and when aggressively applied. However, maintenance of the existing structures is essential. The future challenge is to adequately resource these efforts to enhance their effectiveness and to apply lessons learned to keep these agreements relevant. Therefore the following actions should be taken by the USG in regards to conventional arms control:

- Directly document and articulate the role that arms control plays in achieving the objectives of the United States in the National Security Strategy.
- Apply lessons learned from current treaties to other unstable conflict regions (such as Africa).
- Ratify the adaptive CFE Treaty as soon as Russia meets its obligations in Moldova.

- Increase the number of inspections the U.S. leads (within treaty constraints) or the presence of U.S. inspectors on non-U.S. led teams to reinforce standards and rigor.
- Influence like-minded allies to take on a larger role in the enforcement of inspection procedures on internal and external inspection teams
- Withhold or delay economic assistance or joint programs to weakening allies until they accept more rigorous standards of enforcement.
- Resource and support additional bilateral training events with member states of existing treaties and agreements to foster contacts and promote a common standard to the application of these documents.

To have an effective arms control program these steps require the maintenance of transparency, an accurate exchange of information, and regimented inspection regimes that are enforced by all state parties. Lessons learned from existing treaties and agreements must be applied along with flexible language that allows modification or adjustment of the documents to keep them relevant as environments change and situations evolve.

#### SMALL ARMS AND LIGHT WEAPONS

Based on the research conducted in development of this paper and the data presented, four direct actions should be undertaken by the USG policymaking body:

- Directly address the proliferation of SALW in the National Security Strategy as a risk to U.S. objectives to prioritize the issue and enable the required resources.
- Utilize U.S. influence and prestige to actively pursue an international and comprehensive legally binding agreement(s). Strong consideration should be given to efforts already in progress with the 2001 UN small arms Plan of Action.
- Significantly increase the annual funding, to hundreds of millions of dollars vice only three million for 2003, of current DOS and DOD SALW programs already underway to engage a larger number of states identified as proliferation risks.
- Force judicial review and mandate specific clauses or amendments that would protect U.S. citizens' constitutional rights over specific treaty requirements if they were to come into conflict.

A comprehensive program of transparency and a truly unified effort to control SALW, combined with other aggressive diplomatic efforts to solve the issues at the core of regional conflicts, will produce more positive and longer lasting solutions that meet U.S. objectives. Small Arms and Light Weapons are a problem that will not go away entirely. Recent threats posed especially by MANPADS highlight a vulnerability that comes from systems that are

relatively cheap, easy to transport, and inherently destabilizing. However, these problems can be mitigated by tighter national export control, adequate marking and tracing of weapons, and by significantly raising the economic and political costs of non-compliance. A unified international front can leverage the necessary resources and will to reduce the risk.

## **CONCLUSION**

While the world has changed as the result of the end of the Cold War and the recent events of 9/11, the necessity of reducing armaments and promoting stability and security remain valid. Aggressive and unified arms control programs and policies that incorporate and demand transparency with a “trust, but verify” mentality are effective international tools. As noted by Donald E. Neuchterlein in discussing National Security Interests in the 1980’s, “arms control can increase the economic costs and political risks of engaging in proscribed activities,” which is exactly one of the outcomes the United States desires.<sup>39</sup>

Conventional armaments will continue to be produced, transferred, and stockpiled for the foreseeable future, along with increasing the tension between commercial interests and export controls. However, existing treaties and agreements provide valuable lessons learned and templates for future efforts to control the spread of conventional weapons and potentially deescalate volatile regions. The United States must remain committed and lead the fight to expand and maintain the relevance of these institutions at the highest level of policy and administration to address the control of armaments and promote stability.

The United States has the resources, influence, and resolve (if energized) to help unify the international community in the SALW counterproliferation fight. Only through a comprehensive and aggressive policy that specifically addresses the proliferation of SALW can the United States meet all of its objectives as outlined in the National Security Strategy.

In the end, arms control is not a stand-alone concept or an end in itself. It must be used in a deliberate, coordinated effort and support the use of all elements of national power. The United States made a dramatic and historic change in policy by adding the concept of preemption to its National Security Strategy. Positive steps in reducing and controlling both conventional armaments and small arms and light weapons can be interpreted as a form of preemption at a relatively low cost and with potentially high returns.

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## ENDNOTES

<sup>1</sup> Thomas Graham Jr., *Disarmament Sketches, Three Decades of Arms Control and International law* (Seattle: University of Washington Press, 2002), 34.

<sup>2</sup> Jozef Goldblat, *Arms Control the new guided to negotiations and agreements* (London: SAGE Publications Ltd, 2002), 22.

<sup>3</sup> Ibid., 23.

<sup>4</sup> Ibid., 24.

<sup>5</sup> Ibid., 28.

<sup>6</sup> Ibid., 33-37.

<sup>7</sup> On-Site Inspection Agency, *Treaty between the Twenty-Two Sovereign Nations on the Reduction of their Conventional Armed Forces in Europe* (Washington, D.C. 1990), 1.

<sup>8</sup> On-Site Inspection Agency, *Agreement on Confidence and Security Building Measures in Bosnia-Herzegovina*, (RMAB, Germany), 1.

<sup>9</sup> On-Site Inspection Agency, *Treaty between the Twenty-Two Sovereign Nations on the Reduction of their Conventional Armed Forces in Europe*, 3, 7-9.

<sup>10</sup> Organization for Security and Co-operation in Europe, *Vienna Document 1999 of the Negotiations on Confidence-and-Security-Building Measures*, (Vienna, Austria, 1999), 18-19.

<sup>11</sup> Ibid., 7-8.

<sup>12</sup> *The General Framework Agreement for Peace in Bosnia-Herzegovina: Agreement on Regional Stabilization*, (Dayton, 1995) Annex 1B.

<sup>13</sup> On-Site Inspection Agency, *Agreement on Confidence and Security Building Measures in Bosnia-Herzegovina*, (RMAB, Germany), 1-31.

<sup>14</sup> Organization for Security and Co-operation in Europe, *Agreement on Sub-Regional Arms Control*, (Vienna, Austria, 1996) 1-80.

<sup>15</sup> *The General Framework Agreement for Peace in Bosnia-Herzegovina: Agreement on Regional Stabilization*, Annex 1B.

<sup>16</sup> General Accounting Office, *Conventional Arms Transfers; US Efforts to Control the Availability of Small Arms and Light Weapons* (Washington D.C.: United States General Accounting Office, July 2000), 15.

<sup>17</sup> Ibid., 14.

<sup>18</sup> Ibid., 6.

<sup>19</sup> Defense Threat Reduction Agency, *Power Point Presentation - Small Arms and Light Weapons*, (Fort Belvoir, DTRA-OSAE, October 2003), 4.

<sup>20</sup> General Accounting Office, *Conventional Arms Transfers; US Efforts to Control the Availability of Small Arms and Light Weapons* (Washington D.C.: United States General Accounting Office, July 2000), 14. Wassenaar Agreement 11-12 December 2002.

<sup>21</sup> Defense Threat Reduction Agency – European Directorate, *Power Point Presentation to DC CFE Orientation Course* (Darmstadt, Germany 2003), slide 18.

<sup>22</sup> Defense Threat Reduction Agency, *Destruction Program Matrix*, (Fort Belvoir, DTRA-OSAE, June 2003), 1.

<sup>23</sup> U.S. Army War College, *Course 2 Vol. II War, National Security Policy and Strategy, AY 04 -Policy Brief, #68 Organization of the National Security Council System, November 2000*, (Carlisle Barracks: U.S. Army War College, 2003), 299.

<sup>24</sup> Department of State, "Under Secretary for Arms Control and International Security," 11 December 2003; available from <http://www.state.gov/t/>. Internet; accessed 11 December 2003.

<sup>25</sup> Defense Threat Reduction Agency, *Power Point Presentation - Small Arms and Light Weapons*.

<sup>26</sup> *The General Framework Agreement for Peace in Bosnia-Herzegovina: Agreement on Regional Stabilization*, Article II, Annex C.

<sup>27</sup> George W. Bush, *National Security Strategy of the United States of America*, (Washington D.C.: The White House, September 2003), 9.

<sup>28</sup> General Accounting Office, *Conventional Arms Transfers; US Efforts to Control the Availability of Small Arms and Light Weapons*, 13.

<sup>29</sup> *Ibid.*, 14.

<sup>30</sup> *Ibid.*

<sup>31</sup> Defense Threat Reduction Agency, *Power Point Presentation - Small Arms and Light Weapons*.

<sup>32</sup> *Ibid.*

<sup>33</sup> Defense Threat Reduction Agency, *Fact sheet on the Adaptive Conventional Forces in Europe Treaty*, (Fort Belvoir, DTRA-OS), 1.

<sup>34</sup> General Accounting Office, *Conventional Arms Transfers; US Efforts to Control the Availability of Small Arms and Light Weapons*, 14.

<sup>35</sup> Defense Threat Reduction Agency, *Phone discussion with MAJ DIAZ DTRA-OSAE interagency working group for SALW*, (Fort Belvoir, DTRA-OSE, October 2003).

<sup>36</sup> On 28 January a military ammunition stockpile explosion killed 600-1000 civilians in Lagos, Nigeria. On 20 November a military ammunition stockpile explosion killed 5 and injured approximately 300 personnel in Riobamba, Ecuador. Graduate Institute of International Studies,

*Politics from the Barrel of a Gun: Small Arms Proliferation and Conflict in the Republic of Georgia (1989-2001)* (Geneva, 2002) 6-17.

<sup>37</sup> Committee on International Security Studies American Academy of Arts and Sciences, *Lethal Commerce: The Global Trade in Small Arms and Light Weapons: Controlling Transfers of Light Arms: Linkages to Conflict Processes and Conflict Resolution Strategies*; Jo L. Husbands (Cambridge, 1995) 131-132.

<sup>38</sup> Committee on International Security Studies American Academy of Arts and Sciences, *Lethal Commerce: The Global Trade in Small Arms and Light Weapons: Controlling Transfers of Light Arms: Linkages to Conflict Processes and Conflict Resolution Strategies*; Jo L. Husbands (Cambridge, 1995) 131-132.

<sup>39</sup> U.S. Army War College, *Course 2 Vol. I: War, National Security Policy & Strategy – Competing Visions for U.S. Grand Strategy, AY04*, (Carlisle Barracks; U.S. Army War College 2003), 360.



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