

Presidential Report to the Congress

Pursuant to Section 51 of Public Law 93-559,
the "Foreign Assistance Act of 1974", Concerning
International Transfers of Conventional Arms

June 30, 1975

This report has been prepared by the United States
Arms Control and Disarmament Agency in coordination with
the Department of State and the Department of Defense.

This report is in response to Section 51 of the "Foreign Assistance Act of 1974" (P.L.93-559), concerning the "Conventional Arms Trade," which became effective December 30, 1974.

Section 51 of the Act, inter alia, urges the President to propose to the Conference of the Committee on Disarmament (CCD) that the Committee consider as a high priority item discussions among its participating members* for the purposes of (1) agreeing to workable limitations on conventional arms transfers, and (2) establishing a mechanism through which such limitations could be effectively monitored. Section 51 further calls on the President to transmit to the Congress not later than six months after the enactment of the Act a report setting forth the steps he has taken to carry out the provisions of the section. (Section 51 is attached as Annex A.)

In formulating an approach to implementation of Section 51, the Executive Branch considered it important to take into account reactions of states to previous efforts by the United States and others, at the CCD as well as at the United Nations

*The following thirty states are participating members of the CCD: Argentina; Brazil; Bulgaria; Burma; Canada; Czechoslovakia; Egypt; Ethiopia; German Democratic Republic; Germany, Federal Republic of; Hungary; India; Iran; Italy; Japan; Mexico; Mongolia; Morocco; Netherlands; Nigeria; Pakistan; Peru; Poland; Romania; Sweden; Union of Soviet Socialist Republics; United Kingdom; United States; Yugoslavia; and Zaire. France is formally a member of the Committee, but does not take its seat.

General Assembly, to encourage serious consideration of possible restraints in the conventional arms field. Among these efforts were US initiatives at the CCD in 1966 and 1970 to promote a regional approach to limiting the competition in conventional arms, and proposals at the U.N. General Assembly by Malta (1965) and Denmark (1968) concerning the registration of international arms transfers. (A history of these initiatives and responses to them are contained in a report to the Congress, pursuant to Section 302 of the Foreign Relations Authorization Act of 1972, entitled "The International Transfer of Conventional Arms" and dated April 12, 1974).

Reactions to these earlier initiatives indicate that not only has there been no international consensus on practical means of restraining the competition in conventional arms, there has in fact been little agreement even on the desirability of trying to find such means. While some Western states were fairly receptive to attempts to focus international attention on the need for suitable restraints in the area of conventional arms, most other participants in U.N. and CCD disarmament debates were negative or at best indifferent toward the subject. Developing countries, particularly among the non-aligned group, took the most resistant attitudes.

Indeed, a number of these developing states have been very reluctant even to have the question of conventional arms discussed in international disarmament forums, asserting that

consideration of the issue would divert attention from the more pressing responsibility of controlling nuclear arms and other "weapons of mass destruction." It has frequently been argued that controls on conventional arms would undermine the ability of states to meet legitimate and essential security requirements, thus compromising their political independence and threatening to upset existing military balances. Because of their heavy reliance on imports to satisfy military needs, a number of non-aligned developing countries have been particularly sensitive to proposals concerning controls on arms transfers. These countries have held that transfer controls are inherently discriminatory, since they would restrict the access of arms-importing states to vital military supplies without affecting the ability of arms-producing states to acquire them.

Any attempt to develop workable and generally acceptable conventional arms restraints in a representative multilateral forum like the CCD (which includes states with widely varying interests -- nuclear powers and non-nuclear weapon states, arms-producing states and arms recipients, developed and developing countries, alliance members and non-aligned countries) clearly would have to take the above views and concerns into account. Moreover, in order to overcome resistance even to addressing the issue, it would be important that any approach provide assurance that the objective of conventional arms

control is not to impose arbitrary limitations bearing little or no relationship to legitimate and vital security needs, but rather to establish a framework of mutual restraint that would permit states to meet essential security requirements without stimulating competitive and threatening arms acquisitions that could raise tensions and decrease the security of all concerned. ;

Taking these considerations into account, the Executive Branch decided on an approach for encouraging discussions of conventional arms restraints at the CCD, primarily involving a major plenary statement on the subject. The statement was delivered on April 10, 1975 by Ambassador Joseph Martin, Jr., United States Representative to the CCD. (The text is attached as Annex B.)

Ambassador Martin said the U.S. continued to regard the regional approach as a particularly promising one in the conventional arms field, citing as encouraging recent examples the negotiations on mutual and balanced force reductions in Central Europe and the Ayacucho Declaration of a number of Latin American countries concerning restraint in the acquisition of arms for "offensive warlike" purposes. The possible special utility of the regional approach, he suggested, lay in several factors: (1) the particular relevance of the size and character of the respective armed forces in neighboring countries to those countries' security; (2) the tendency of

neighboring states to acquire comparable military capabilities; and (3) existing cooperative arrangements in several regions of the world that could provide precedents for arms control initiatives.

The U.S. Representative reiterated our endorsement of the principle that the initiative for developing regional arrangements concerning conventional weapons should come from within the region concerned. He added, however, that states outside the region, especially potential arms suppliers, could play an important and perhaps essential supportive role in successful regional arrangements. Undertakings by outside powers to refrain from actions inconsistent with regionally-agreed restrictions could reinforce the obligations assumed by local parties to the arrangement and thus create a double guarantee of compliance. At the same time, providing local parties with military equipment not proscribed under the arrangement, and rendering other support and assistance, could be important in satisfying those parties that the arrangement adequately protected their interests.

Ambassador Martin said that the U.S. stood ready to assist and cooperate in developing such arrangements in ways desired by participants within a region. Further, we were prepared to respect the arrangements appropriately, provided the measures taken did not impinge on the participants'

legitimate security needs or undermine existing security arrangements contrary to their wishes -- and provided other outside powers also respected the arrangements.

Besides regional arrangements, the U.S. Representative continued, the United States considered it important to explore complementary conventional arms control approaches not limited in their geographic scope. Ambassador Martin then discussed some major considerations underlying possible principles that might be generally applicable to the acquisition and transfer of conventional arms. He stressed that the primary objective of such principles should be to encourage states to limit their arms acquisitions to those meeting essential security requirements, thus reducing the likelihood that those acquisitions would appear threatening to other states and thereby lead to increased tension. Also, considering existing political circumstances as well as the differing perspectives on the problem held by countries throughout the world, it would be unrealistic to expect states to accept firm obligations regarding conventional arms that would be applicable on a worldwide basis. At least initially, therefore, the principles should largely rely on states' own self-restraint. Such self-restraint on the part of one country would create incentives for self-restraint on the part of others. However, voluntary guidelines could not

succeed if self-restraint by some states were not matched by the corresponding restraint of others.

Another fundamental consideration was the wide variety of existing weapon systems and the diverse effects those systems could be expected to have in differing situations throughout the world. The impact of a particular acquisition on stability depended as much on the political and military context in which the arms were acquired as on the characteristics of the weapons themselves; therefore, states should be encouraged to exercise judgment whether, in a given political and military context, acquisition of weapons in certain types or quantities would be likely to have an adverse impact on regional or international security. Finally, governments should be called upon to recognize that true security went beyond strictly military concepts, lying not only in adequate defense capabilities but also in economic and social progress.

The U.S. Representative then suggested the following illustrative principles for the Committee's consideration:

(A) States should assume responsibility for making the judgment that the arms they acquire or transfer will not have adverse effects on regional or international security.

(B) Consultations among interested states on the possible effects of arms acquisitions could be useful in preventing or alleviating regional or international tensions.

(C) States should limit arms acquisitions to those deemed indispensable for their security, to avoid the unnecessary diversion of resources from economic and social development.

(D) The export of technical data and equipment for manufacturing arms should be subject to the same effective governmental review and authorization procedures as arms exports themselves.

Ambassador Martin expressed the belief that broad support for principles such as those he had suggested, and their implementation by a significant number of states, would constitute an important first step, leading to more favorable conditions for regional arrangements and for more binding restraints on a broader geographical basis. He pointed out, nevertheless, that these illustrative principles should not be regarded as a formal proposal; rather, they were offered to provide a basis for further discussion and, it was hoped, constructive efforts in an arms control field so far not amenable to effective solutions. The United States hoped that other CCD members would comment on the approach that had been suggested and possibly recommend principles of their own; we would also be interested in any alternative approaches that might be proposed for developing restraints on conventional arms. The subject was one touching the vital interests of all

states, and it was essential that the needs and desires of all be fully expressed and taken into account.

In May, during the recess between the Committee's spring and summer sessions, diplomatic approaches were made to many CCD member governments, both in their capitals and via their missions in Geneva, asking for reactions to the U.S. presentation of April 10. No government was yet prepared to provide an official reaction. A majority of those consulted, however, indicated that they were giving the U.S. initiative careful consideration and would be ready with an official response during the CCD summer session. Some governments specified that their views on the conventional arms question would be provided in plenary statements.

In a statement on June 24, the opening day of the CCD summer session, Ambassador Martin stressed the importance that the United States attached to examining all practical means of achieving restraints in the conventional arms field and once again encouraged CCD members to provide their reactions, whether formal or informal, to the U.S. presentation of April 10. The U.S. Delegation to the CCD is instructed to follow up on the April presentation in contacts with other delegations by promoting the ideas contained in the speech, soliciting further reactions to those ideas, and inviting recommendations regarding other approaches to conventional arms restraint. An extensive

exchange of views during the summer session would provide a clearer picture of developing international opinion on the subject and help in planning what further steps might be taken at the CCD, and possibly at other forums, toward achieving progress in the conventional arms field.