THE INTERNATIONAL ARMS TRADE

An ethical reflection
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PRESENTATION

This document deals only with the transfer of conventional arms. Its scope is therefore limited. It focuses, however, on one of the most gaping, if hidden, wounds that afflicts the world today. The arms trade has existed throughout all ages and on all continents. In constant evolution, it has now become so widespread and complex that a lucid and exacting reflection on the phenomenon has become a necessity.

Some particular Churches, often working ecumenically, have already prepared studies on arms transfers within the context of their own country. However, these publications have not always had the desired effect because of the strong opposition they run up against. The intent of these pages is to underscore that, because of the international character of a problem which affects all countries, a valid solution can only be found in common action, one in which the responsibilities of selling and receiving States are closely interwoven.

Never before has our earth known so many armed conflicts, fed by a proliferation of arms which is often simply taken for granted. At the same time, the trafficking of arms, as venal as it is cynical, evades all moral consideration.

We should like to think that this document will mobilize new and creative forces for peace, above all among those in the political arena. Sowing arms to the four winds could well result in reaping the whirlwind of war on one’s own soil. What State would dare to take such a risk? The entire international community must determinedly work together for peace by linking the organization of its collective security and the search for an effective and verifiable disarmament.
INTRODUCTION

A far-reaching phenomenon

1. In the closing decades of the twentieth century, significant changes in the political, social and economic sphere have shaken the world. As a result of these major, and often radical transformations, long-standing problems have come to the surface with new urgency. Among these is the problem of the transfer of arms.¹

These transfers have multiple and frequently highly negative consequences. Indeed, all the wars waged since 1945 have been fought with conventional arms, except for an occasional use of chemical weapons. Arms transfers also bring into play powerful commercial interests that are able to exert considerable influence on governments. There are, moreover, arms merchants who seek nothing more than to make money and who sometimes maintain links with organized crime or with terrorist groups.

2. Most arms are transferred from one State to another. The prime responsibility for the control of these transfers falls, therefore, squarely on the State. As urgent and necessary as these national means of control may be, they are inadequate, because the phenomenon is, by nature, transnational. While international treaties exist that forbid the transfer of biological, chemical and nuclear weapons,² similar regimes do not regulate the transfer of conventional weapons. Both governments and international organizations have long been conscious of this anomaly.

¹ Throughout this text, when the terms arms transfers or arms trade are used without further qualification, they refer to the transfer or trade of conventional weapons and their systems. The question of weapons of mass destruction (nuclear, biological and chemical weapons) and their possible proliferation is consequently not addressed.

3. There is no universally accepted definition of what precisely is covered by the terms "arms transfer" or "arms trade", one form of such transfers. In the strict sense, the terms refer to the transfer of major weapon systems, including their munitions, delivery systems and spare parts. More recently, the transfer of dual-use technology, that is with possible military as well as civilian uses, presents new challenges, as does the transfer of knowledge, that is technical know-how directly related to the production, modernization, use or repairing of these weapon systems. Another important aspect, often ignored in this complex framework, is that of cooperative agreements which place specialists at the disposal of importing States in order to train local people in the handling and maintenance of modern weapon systems.3

4. Since not all arms are sold, in international milieus the term "transfer" is more commonly used. States can, in fact, obtain arms in a variety of ways, among other through military aid, grant, barter, as well as by modifying or modernizing weapon systems they already possess or through local production under licensing.

5. The exact extent of arms transfers is difficult to determine because of a lack of precise figures. At times, governments invoke reasons of national security or economic competitiveness to justify their reticence in providing detailed information on their exports or imports. In other cases, the secrecy stems from the dubious nature or doubtful legality of the transfers themselves. As a result, the figures provided by national governments, as well as the estimates of specialized bodies, leave a considerable margin of error. They do, however, serve as useful indicators in identifying the principal suppliers and receivers of major systems and in determining overall trends.

A TIME OF UNCERTAINTY

6. The collapse of totalitarian regimes in Eastern and Central Europe has led to an upsurge of latent nationalistic sentiments and ethnic antago-

isms. Far too often, bitter armed conflicts have broken out that have tragically increased the demand for arms. This violent rise of national and ethnic particularism is not, however, limited to a specific geographic region; it is a distressing characteristic of the present historical period. In many parts of the world, entire populations are cruelly suffering from internal wars in which opposing factions or armies seem to be able to obtain all the arms they need, not only to defend themselves, but also to attack and counterattack in an endless spiral of violence. In certain situations, the political authority has broken down, raising the question of who can or should intervene to protect innocent victims and to put an end to conflicts between rival factions.

7. The dismantling of the bloc system in Europe has also increased the quantity of arms potentially available. Part of the vast quantities of arms stockpiled in Central and Eastern Europe are now being sold, either overtly and covertly, at well below market prices and almost without discrimination as regards their destination.

The Treaty on Conventional Armed Forces in Europe (CFE), which entered into force in 1992, set ceilings on five categories of weapons and called for the destruction or, in a limited number of cases, the conversion to civilian use of those weapons that exceeded these limits. However, the mechanism for these reductions has just begun to function, and years will pass before the military equipment covered by the CFE Treaty is destroyed. Adequate monitoring of this process is extremely difficult.

8. Economic stagnation and the lessening threat of war between the two blocs has led several States of the Western world to reduce their military budgets. This has thrown the arms industry into crisis. It has actually increased the economic pressure to sell arms and to seek new markets in order to maintain a research and development capacity as well as the viability of the arms industry itself. Through these sales, certain countries in Eastern and Central Europe also seek to obtain badly needed hard currency to face the economic and social problems that beset them. From the 1960s on, the number of arms producers has also significantly increased,
above all in the Third World, with a consequent keener competition that all producers have to cope with.

9. There has been an overall drop in arms transfers over the past several years. The new East-West political configuration, an economic slowdown, external debts and a certain saturation of the market are among the contributing factors to this decline. Nothing indicates, however, that this is a consolidated and lasting trend.

**Peace is at stake**

10. Despite these many uncertainties and complexities, there are new opportunities today for directly addressing the problem of arms transfers. There is, for example, a promising move in various parts of the world towards the establishment or consolidation of democratic regimes. This forms a good foundation for the strengthening of peaceful relations within States and of mutual confidence among them. A trend towards inter-State collaboration also seems to be growing stronger with the development or reinforcement of State groupings on a regional level. At the same time, and despite all the difficulties that this entails, governments are more readily turning to international organizations in order to address together the international challenges they face.

11. Immense difficulties still remain, however, in contending with the problem, because each arms transfer is, in a certain sense, unique. It takes place in a very precise context: from one country to another, each with its own social, political and economic characteristics. It is not sufficient, therefore, to analyze the phenomenon in terms of quantity or cost alone; qualitative factors must also be taken into consideration.

12. Today, interest in the international control of arms transfers has increased, due in part to a better informed public opinion. Several regional and international bodies are now dealing with the question. This favorable moment must be seized and arms transfers effectively controlled and radically reduced. These transfers raise serious moral problems that must be addressed with all lucidity.
CHAPTER 1
GENERAL ETHICAL PRINCIPLES

1. No transfer of arms is morally indifferent. On the contrary, each one brings into play a series of political, strategic and economic interests that at times converge, at others diverge. In each case, there are specific moral consequences. The licitness of the transfer — be it by sale, purchase or any other means — can only be determined if all the conditioning factors are taken into account.

2. Each transfer must therefore be rigorously evaluated, according to precise moral criteria. There are, however, certain over-arching ethical principles that fix the overall framework within which the criteria more directly applicable to an exporting or importing country are set. With all the necessary nuances, these general principles apply to all.

NO TO WAR

3. In 1965, in his address to the General Assembly of the United Nations, Paul VI, fully aware of the seriousness of his Message, said:

Never again one against the other, never, never again! ... never again war, never again war! It is peace, peace, that must guide the destiny of the peoples and of all humanity.\(^4\)

Unfortunately, despite this appeal, wars, internal conflicts, guerilla warfare, terrorist attacks continue. And yet long years of struggles, often ignored or passed over in silence, have only confirmed the validity of the appeal. It bears repeating, as John Paul II did recently before the horrors of the war in Bosnia-Hercegovina,\(^5\) and as he constantly does before the


victims of nationalistic, ethnic or tribal interests, before refugees shuttled here and there according to the vagaries of combat: never again war, never again war.

War is not the solution to political, economic, or social problems;⁶ "nothing is resolved by war; on the contrary, everything is placed in jeopardy by war".⁷ Indeed, war represents the decline of humanity.⁸

4. States have, moreover, long recognized the futility of war and have attempted unsuccessfully to ban all recourse to arms as a means of settling differences.⁹ Before the ferocity of today’s combats, it is more urgent than ever to redouble efforts to break the logic of war. All have an essential contribution to make; all must pronounce together this “no” to war; all, citizens and those in government alike, must do everything possible to avoid it.¹⁰ It is always in the light of this determined “no” to war that the morality of arms transfers must be weighed.

THE RIGHT OF LEGITIMATE DEFENSE

5. In a world marked by evil and sin, the right of legitimate defense by armed means exists.¹¹ This right can become a serious duty for those who are responsible for the lives of others, for the common good of the family or of the civil community.¹² It is this right alone that can justify the possession or the transfer of arms. It is not, however, an absolute right; it is coupled with the duty to do all possible to reduce to a minimum, and indeed eliminate, the causes of violence.

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⁹ Cf. among other, the Kellogg-Briand Pact of 27 August 1928 by which the 60 contracting parties determined to condemn “recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another” [Article 1]. The Charter of the United Nations of 26 June 1945 solemnly declares that the organization was founded to “save succeeding generations from the scourge of war” [Preamble].
¹¹ Pastoral Constitution Gaudium et Spes, No. 79.
¹² Catechism of the Catholic Church, No. 2265.
6. There is another equally serious exigency: the respect for and development of human life requires peace.\textsuperscript{13} So that its people can enjoy this good which is peace, the State cannot stop at providing for its own defense. The State, together with all of its people, also has the serious obligation to work to assure that the conditions of peace exist, not only on its own territory but throughout the world.\textsuperscript{14}

**The duty to help the innocent**

7. A long-standing duty is now beginning to be defined: that of helping innocent victims who are unable to defend themselves against such dire effects of conflict as hunger and sickness. Today, the world remains paralyzed before the suffering of thousands of innocent people, victims of interests that are often foreign to them. It is such tragedies that have raised the question of the duty of intervening in favor of populations who are unable to provide for their own survival:

Once the possibilities afforded by diplomatic negotiations and the procedures provided for by international agreements and organizations have been put into effect, and that, nevertheless, populations are succumbing to the attacks of an unjust aggressor, States no longer have a “right to indifference”. It seems clear that their duty is to disarm this aggressor, if all other means have proved ineffective. The principles of the sovereignty of States and of non-interference in their internal affairs — which retain all their value — cannot constitute a screen behind which torture and murder may be carried out. For this is what it means. Jurists will still of course have to examine this new phenomenon and refine its contours.\textsuperscript{15}

\textsuperscript{13} **Catechism of the Catholic Church**, No. 2304.
8. The definition of the right of peoples to humanitarian assistance could result in a new expression of the concept of sovereignty. Without impairing this principle, a way must be found to defend persons, wherever they may be, against an evil of which they are nothing more than the innocent victims.

THE PRINCIPLE OF SUFFICIENCY

9. The fact that a State can legitimately possess arms, and hence implicitly transfer or receive them, brings with it serious obligations. Each State must, indeed, be able to justify each acquisition or transfer of arms according to the principle of sufficiency by which a State may possess only those means necessary to assure its legitimate defense. The excessive accumulation of arms or their indiscriminate transfer is contrary to this principle.

10. It is clear that importing countries must be the first to weigh carefully the reasons why they want to acquire arms. The obligations that derive from the principle of sufficiency are serious and restrictive. The introduction of new arms into a region can, in fact, trigger an arms race in neighboring countries or destabilize the entire region. Consequently, no State may licitly seek to acquire whatever type or quantity of weapons it wishes. Each acquisition must correspond strictly to the criterion of sufficiency.

11. An exporting State may, therefore, legitimately deny another State — and at times is obliged to do so — arms that it considers to go beyond the limits imposed by this principle. In a field as sensitive as that of national defense, it is difficult for an exporting country to decide whether or not the transfer of certain weapon systems exceeds these needs or not. Such difficulties cannot, however, dispense those responsible from weighing all relevant factors before deciding in favor of a possible transfer.

ARMS ARE NOT LIKE OTHER GOODS

12. Arms can never in any way be treated like other goods exchanged on the world or internal market. While the possession of arms can serve as
a deterrent, arms also have another finality. There is, in actual fact, a close and indissociable relationship between arms and violence. It is because of this relationship that arms can never be treated like ordinary commercial goods. Similarly, no economic interest can of itself justify their production or transfer; “here also the law of profit cannot be supreme”.\(^\text{16}\)

13. Whether the sale of arms be under the direct aegis of the State or not, the State bears the responsibility for assuring that such sales are subject to very strict control. There is no denying that “the arbitrary sale of arms, especially to poor countries, remains one of the gravest threats to peace at the present time”.\(^\text{17}\)


CHAPTER 2
RESPONSIBILITIES OF EXPORTING STATES

AN EXPORT TO BE QUESTIONED

1. Why export arms? This is the first question that the appropriate authorities in each arms exporting country must ask themselves. And rightly so, because the arms trade can never be considered an accepted fact in relations among States. On the contrary, all those who have any responsibility in the field must constantly re-examine the reasons they present to justify it.

2. No exporting State can abdicate its moral responsibility regarding the possible negative effects of the arms trade. The various bodies and different authorities concerned are never dispensed from asking why they are engaging in it. And each time that there is the actual possibility of a transfer, they must clearly and consciously raise the question: why export these particular arms to that particular country? In whose interest is this transfer? The argument, which is frequently evoked, that if one State refuses to provide arms another will, is without any moral foundation.

ECONOMIC INTERESTS AT PLAY

3. The problem of arms sales is cast in new terms at present because the overall demand for arms is declining, the size of armies is being reduced, and States are cutting their military budgets because of economic constraints. At the same time, powerful economic interests, that do not always respond to the same imperatives as political or strategic necessities, are also at stake. Economic pressures to increase the sale of arms must, however, be resisted. Such sales cannot be left solely to the laws of the market, because “it is certain that the sale of arms for profit alone encourages... belligerents”.

Among the reasons given for this trade is the need to cover the high costs of the production of arms necessary for national defense, or the importance of maintaining a strong and technologically advanced industry in view of possible future threats. The need to maintain jobs is also asserted with force. These considerations, added to commercial motives, can incite industrial and government authorities to adopt or to encourage aggressive marketing practices which give undue weight to economic factors.

4. The current need for radical transformations in the economic and political fields offers a good opportunity for governments and the arms industry to work together determinedly in planning for the conversion, diversification or restructuring of the defense industry. Recent experience has shown how difficult this industrial reorganization actually is. Needed adjustments can result in considerable economic disruption on a local scale and, at least in the short term, a painful loss of jobs. However real the difficulties may be, they cannot legitimate the maintenance of an arms industry simply because of the risks involved in readjustment or in order to preserve jobs. Should these arguments prevail, the economic pressure to increase arms sales will only grow stronger.

5. At the same time, industrial leaders must not ignore the human problems caused by these changes. Since the State is generally the prime purchaser of the arms produced on its territory, its responsibility is also engaged. Both, according to their respective responsibilities, have the duty to see that the workers affected by the changes have access to professional training with a view to their finding work in another sector. Adequate social assistance must also be provided to those who need it.

The countries of Eastern and Central Europe have to face very grave problems in the conversion of their military industry. They have good reason to seek help from other countries as they try to give a new direction to their industrial output.¹⁹

¹⁹ As regards collaboration between States in this regard, see the Common Declaration of the United States and Russia of June 1992 on cooperation in the reconversion of defense industries. The World Bank and regional development banks have also dealt with the matter.
the global arms market. These new arms producers generally offer either light or less technologically sophisticated arms at attractive prices, most frequently to other developing countries.

14. Some decided to enter the market in order to meet their own security needs because of particular regional situations. For others, commercial interests or political aspirations dominated. Certain countries, subject to embargoes, have developed their own industry which has allowed them, over time, to become arms exporters. Whatever the reasons may be, the question remains: is it in the interest of a country, any country, be it from a political, social or economic point of view, to enter this market? The efforts of all States should, on the contrary, be focused, not on the increase but rather on the diminution of the production of arms.
As different as they may be, the responsibilities of States that receive arms are no less exacting than those of transferring States. Indeed, no State is the passive receiver of arms; it is always a conscious and active agent.

THE PRIMACY OF THE NEEDS OF THE PEOPLE

1. In every circumstance and place, the good of the people takes priority over any other national interest. This principle also applies to the allocation of public monies. Yet, in some developing countries, military expenditures are higher than those for health and education combined: the reflection of a world in which other interests pass before the legitimate needs of the human person. This waste of resources could become still greater even if the quantity of arms purchased decreases, because ever more sophisticated modern weapons are, at the same time, ever more exorbitantly expensive.

2. Each decision to purchase arms has a series of effects that affect the good of the people. Why does a State want to acquire arms? In view of what? What is the cost in human and financial resources? What would be the concrete consequences for the people if these arms were used? The responses to questions such as these reveal to what degree the purchase of arms puts the entire social fabric at risk.

3. Unfortunately, poorer countries are all too often tempted by the example of richer countries:

to commit too much of their resources in acquiring... arms, while elementary conditions of food, hygiene and literacy are cruelly lacking. This is the cause of an enormous amount of suffering, of anxiety, of bitterness and even of revolt.  

This situation is particularly tragic in those societies where, precisely, people are unable to meet their basic needs because war is destroying their very means of subsistence.\textsuperscript{22} It is up to the richer countries to give the example by limiting their own acquisition of arms.

4. Certain developing countries continue to pay the heavy price of having sought or accepted foreign aid in the form of military assistance. This notably increased their external debt. The poorer sectors of society often bear a disproportionate share of the social costs of the repayment of these debts. With poverty increasing across the world, the time has come to re-examine the problem of the foreign debt, also in the light of arms transfers and military aid, and find definitive solutions to it.\textsuperscript{23}

Furthermore, it will be necessary to act on the causes of indebtedness, by making the granting of aid conditional upon concrete commitments on the part of governments to reduce excessive or unnecessary expenditures — here one thinks particularly of expenditures on arms — and to guarantee that subsidies do in fact reach the needy.\textsuperscript{24}

\textbf{Why import arms?}

5. Why import arms? The State does have the right, and even the obligation, to defend its people, by armed means if necessary, strictly respecting, however, the principle of sufficiency. But the security of a country cannot be reduced to its capacity to defend itself by accumulating arms. It is also based on the determination of the State to assure that its people enjoy a completely different type of security: adequate food and decent housing, access to education and to health care, the possibility of work, and the respect of human rights. The future well-being of the State depends far more on the integral development of its people than on its stocks of arms.

\textsuperscript{22} Cf. \textit{John Paul II}, World Day of Peace Message, 1993, No. 4.
\textsuperscript{23} Cf. \textit{John Paul II}, World Day of Peace Message, 1993, No. 3.
\textsuperscript{24} \textit{Ibid.}
6. In this regard, the smaller States, as well as States that have recently become independent, could make a decisive contribution to peaceful relations among States if they examined together, on a regional or sub-regional level, the possibility of assuring their security by means other than the multiplication of armed forces, which inevitably heightens the demand for arms. More specifically, they could envisage an economic integration coupled with security agreements. It suffices to consider the tragedy of the many regions torn asunder by fierce struggles today to realize the urgency of such bold measures, that could, moreover, be accompanied by international guarantees.

7. Some arms purchases serve above all else the personal prestige of a leader or political class. Of itself, such a situation already constitutes a threat to the good of the people. It is easy to pass from a desire for personal prestige to that for regional hegemony. The acquisition of arms for any such motives cannot be considered legitimate. Far from being a sign of prestige, the accumulation of arms is often a sign of political weakness.

8. All importing States, large or small, also have a very serious obligation to consider the responsibility that they assume in introducing additional arms into their region. Their own interests are not the only ones to be taken into consideration; the stability of their entire region is at stake. Likewise, no importing State can afford to ignore the phenomenon of dependency which can result from its subordination to an exporting country. Arms transfers can, in fact, be subject to conditions that are to the detriment of their legitimate aspirations to independence.

9. Why import arms? Who is able to answer this question when the State authorities refuse to do so? In totalitarian or oppressive regimes, the reply is not easily found. Yet, every citizen has the obligation, according to his or her possibilities, to promote the common good.25 This includes monitoring the expenditures of their government, which, in turn, is account-

able to them. When citizens are reduced to silence on a national level, it is already an eloquent sign of political malaise. Democracy and peace go hand in hand.

Receiving arms engages the responsibility of the State

10. The responsibility of the State does not end when it has decided, after careful consideration, to purchase or receive arms. On the contrary, it incurs new obligations, the foremost of which is to respect those restrictions that the exporting country may have imposed as a condition for the transfer.

11. All weapons received, or those produced under license, must remain under the strict control of the State, which has the duty to assure that they are not illegally re-exported or re-sold. A receiving State cannot become the accomplice of another seeking to arm itself illegally or illicitly.
The actual application of the principles that should govern arms transfers is extremely difficult. The following considerations present nothing more than the basic elements of an ethical reflection on certain particularly thorny situations. This reflection must be pursued by all those directly concerned.

**Supplying arms to authoritarian regimes**

1. A common characteristic of authoritarian regimes is that they remain in power with the help of well-armed internal police and security forces. If local industry cannot satisfy their needs, they seek to procure arms elsewhere. This brings to light the relationship between arms transfers and the violation of human rights.

2. It is difficult to find any moral justification for supplying arms to authoritarian States. To do so is the equivalent of attesting that the State is an end in itself, that the good of people is not its first and fundamental purpose. On the other hand, the denial of arms can be a sign of the disapproval of any regime that does not respect internationally recognized standards of human rights.

**Governments that obtain arms fraudulently**

3. Despite the refusal of one or several States to supply them with arms, certain unscrupulous governments manage to obtain almost all the arms they want by devious means. Sometimes, they "purchase" the collaboration of persons within the arms industry or the pertinent government bodies. By dissimulating their intentions, they can also manage to assemble arms from dual-purpose goods, electronic components, and detached or spare parts of weapons obtained from different sources. Or they may turn to other States that are willing to resell illegally arms that they had
legally imported. Arms merchants working outside of the pale of law are also always ready to offer their services. Their only aim is to furnish a range of arms to whomever can pay the price. This is much easier when the supply of arms exceeds the demand; this has been the case in recent years. 26

4. There are many ways of circumventing restrictions and embargoes, since their effectiveness depends on the will of States and of the arms industry to observe them. But it is also true that the lack of uniform means of control makes such infractions easier: what is illegal in one State is permitted in another. It is in the interest of all that States work together to eliminate any loopholes in their national regulations, but it is equally important to develop strict and uniform international standards and guidelines, coupled with sanctions for their non-observance, in order to block, to the degree possible, these illegal transactions that are a threat to peace.

SUPPLYING ARMS TO STATES IN CONFLICT

5. The decision to supply or to deny arms to States in conflict is a very serious one, because it can actually influence the outcome of the conflict. The State does have the right to possess the means necessary for its defense. On the other hand, nothing should be done that could prolong a conflict. There is, therefore, a moral presumption against supplying arms to belligerents; only very serious reasons can justify the over-riding of this presumption.

6. Blocking the transfer of arms to belligerents will obviously not suffice to end the conflict. Everything possible must also be done so that the opposing parties lay down their arms and begin to dialogue, with the firm determination to eliminate the causes of conflict and find other means to settle their differences.

26 In his report on the new dimensions of arms control and disarmament, Mr. Boutros Boutros-Ghali, Secretary General of the United Nations, recommends that States give greater consideration to the activities of these arms merchants (Document A/C.1/47/7, No. 31, 23 October 1992).
FURNISHING ARMS TO GROUPS THAT ARE NOT STATES

7. Non-State groups that challenge the established order for varying reasons manage to obtain arms, often by indirect means and sometimes with the help of certain States. The nature, organization, aims, and, indeed, legitimacy of these groups differ so that any rapid judgment in their regard becomes difficult. Their choice of weapons also varies. Some remain satisfied with handguns and explosives that are easy to conceal and carry. Others turn to increasingly sophisticated arms, such as mobile rocket launchers. All, however, intend to use the arms they get.

8. It is urgent to find an effective way to stop the flow of arms to terrorist and criminal groups. An indispensable measure would be for each State to impose a strict control on the sale of handguns and small arms. Limiting the purchase of such arms would certainly not infringe upon the rights of anyone.

The time has also come for the international community to address this question directly, integrating it into its considerations on the phenomenon of arms transfers in general. That the General Assembly of the United Nations has already raised this problem 27 is a sign of its recognition of the danger of the ready availability of such arms.

9. A problem remains: is it always illicit to supply arms to a non-State group? The right to use force is traditionally reserved to the State. This presumes that the State in question enjoys moral and political legitimacy. But non-State groups seeking arms are often challenging this legitimacy.

A fundamental moral choice would already have been made if the possibility of questioning the legitimacy of a regime did not remain open, and if only the State had the right to receive arms. At the same time, any policy that would treat States and non-State bodies on a par would result in chaos. Consequently, States have a presumptive advantage over non-State bodies as regards arms transfers.

The possibility still remains open, however, that the regime in power can be in the wrong.\textsuperscript{28} When faced with any decision whether or not to supply arms to a group that opposes such a regime, it is important to distinguish between a struggle which is legitimate in its ends and means and pure and simple terrorism.

10. On several occasions, Pope John Paul II has reiterated what he declared early in his pontificate at Drogheda, Ireland:

I join my voice today to the voice of Paul VI and my other predecessors, to the voices of your religious leaders, to the voices of all men and women of reason, and I proclaim, with the conviction of my faith in Christ and with an awareness of my mission, that violence is evil, that violence is unacceptable as a solution to problems, that violence is unworthy of man. Violence is a lie, for it goes against the truth of our faith, the truth of our humanity. Violence destroys what it claims to defend: the dignity, the life, the freedom of human beings.\textsuperscript{29}

11. Effective non-violent means to settle disputes exist. Dialogue, negotiations, mediation, arbitration, or popular pressure have long proved their worth in re-establishing or obtaining justice. The effectiveness of such means requires a genuine spirit of dialogue, an openness to the other, and a desire to build peace based on justice.

Several far-reaching political changes have recently been achieved by these peaceful means that are far from being utopian. With the support of public opinion, governments should weigh the value of such means for avoiding conflicts or for putting an end to them as rapidly as possible. The international community should likewise give serious consideration to establishing effective and obligatory means for preventing armed conflicts.


\textsuperscript{29} John Paul II, Address at Drogheda, Ireland, 29 September 1979, No. 9, L'Osservatore Romano, Eng. ed., No. 41, 8 October 1979, p. 9.
CHAPTER 5
THE INTERNATIONAL REGULATION
OF ARMS TRANSFERS

IT IS NOT SUFFICIENT TO CONTROL ARMS TRANSFERS

1. Any regulation of arms transfers, however strict it may be, will remain without lasting effect if States do not establish the political and social conditions that will allow for a radical reduction of these transfers. Deliberate steps must be taken to increase confidence among States. This will facilitate the elaboration of an international regime for arms transfers. It is basically a question of making war totally unacceptable and of rectifying distorted social or economic interests. The most effective means, one that requires the firm and concerted commitment of all, would be to make the integral development of the human person and of the human community the priority:

   Let everyone be convinced of this: the very life of poor nations, civil peace in developing countries, and world peace itself are at stake.30

2. The ultimate guiding principle for any regulation of the arms trade is the search for a world more in keeping with the dignity of the human person. Everyone — including governments and decision-makers in the arms industry — must commit themselves to this. Public opinion has a special role to play: that of being that dynamic force which at times supports and at other anticipates the drawing up of government programmes and regulations.

EXISTING INITIATIVES TO SUSTAIN

3. Within the past few years, people have become increasingly aware of the negative and dangerous consequences of arms transfers. At present,

several international and regional bodies are dealing with the matter. Their initiatives, still in their initial stages, will hopefully result in concrete, effective measures. The present momentum, as fragile as it may be, must be sustained and intensified. The elan must not be lost.

4. In July 1991, the seven most industrialized countries (G-7) recognized the importance of the contribution they can make to reducing the dangers of arms transfers. The five permanent members of the Security Council, among the major exporters of conventional weapons, have begun to discuss the drawing up of common guidelines. These discussions should be enlarged to include other exporting countries, as well as importing States, in view of the adoption of legally binding international norms that are coupled with strict verification measures.

5. Without waiting for such a code of conduct, the competent bodies could begin negotiations that would radically limit, or better still, totally forbid the transfer of certain categories of arms. A starting point could be the prohibition of the transfer of arms which are considered excessively injurious and which are therefore subject to humanitarian law. Among such weapons, particular attention could well be paid to land mines which cause unacceptable damage to civilian populations long after the cessation of hostilities. Moreover, terrains that have been mined often can no longer be used, either because of the danger of explosions or because of the high cost of clearing them.

31 Declaration on Conventional Arms Transfers, 16 July 1991, No. 16.
33 On 31 January 1992, the members of the Security Council emphasized the need for all the Member States of the United Nations to avoid excessive and destabilizing accumulations and transfers of arms (cf. Agreed Statement of the summit meeting of the Security Council).
34 Cf. 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, and Protocols I, II, and III, which entered into force on 2 December 1983. Consideration could also be given to banning the production of such new types of arms as certain laser weapons intended to blind an adversary permanently.
35 On 16 December 1993, the UN General Assembly adopted, without a vote, Resolution A/48/75K, calling for a moratorium on the export of anti-personnel land mines. It urges all States to agree upon and implement such a moratorium and asks the Secretary General to prepare a report for the General Assembly that would include, among other, recommendations regarding further appropriate measures.
6. The lack of comprehensive and sufficiently reliable data concerning the actual extent of arms transfers makes it impossible to know the true extent of the phenomenon, while the lack of a standardized reporting system makes any comparison between the data that are supplied difficult. Yet, such information is a prior condition for an effective international control which cannot exist without a certain climate of confidence among States, necessarily based on reliable information.

To try to fill this gap, the General Assembly of the United Nations asked the Secretary General, in 1991, to establish “a universal and non-discriminatory register to include data on international arms transfers as well as information provided by Member States on military holdings, procurement through national production and relevant policies”. The scope of the Register is, to date, very limited, but its expansion is already foreseen. Its purpose is very specific: to build confidence and to increase transparency. It is non-binding: its success depends, therefore, on the willingness of each State to provide accurate information.

7. In another recommendation of the General Assembly of the United Nations, States are invited to give priority attention to the elimination of the illicit trade in all types of arms and military material. This trade is closely linked to conflicts, mercenary operations, terrorism, organized crime, drug trafficking and other destabilizing activities.

This illicit trade cannot be stemmed without the firm determination of all — governments, those in the arms industry and those who have access to major stockpiles of arms — to refuse arms to protagonists of violence. No effort can be spared to stop this extremely dangerous traffic.


37 Report on the Register of Conventional Arms, A/47/342, 14 August 1992, Section II.

38 Among the other United Nations’ efforts at increasing transparency in related questions are the Guidelines and recommendations for objective information on military matters developed by the United Nations Disarmament Commission and submitted to the 47th General Assembly (cf. UN Document A/47/42, 9 June 1992) and the work begun in 1992 by the Conference on Disarmament on the problems of transparency (cf. UN Document A/47/27, 23 September 1992, Section III, I, and Document CD/1222 of the Conference on Disarmament, 24 September 1993).

Any measure, however minor, to block the free circulation of arms will remain problematic as long as there are massive and poorly supervised stockpiles of arms, as well as sufficient financial means, often from dubious sources, to buy them. The setting up, particularly on a regional level, of measures for the supervision and control of the stockpiles of arms, at least those destined for destruction, would be one way of assuring that they did not fall into other hands. A greater transparency in the international transfer of funds would also help to block those destined for the purchase of arms.

Similarly, the unacceptable anomaly must cease by which certain States have stringent controls on the international transfer of heavy arms but few if any as regards the sale of small arms and handguns. The problem of the almost free circulation of these arms must henceforth become an integral part of all considerations of the arms trade.40

8. Other international governmental organizations are studying the effect of the purchase of arms on the economy of receiving countries, often in the Third World.41 These same organizations offer their expertise to help countries review their budgetary priorities, leaving all decisions to the governments themselves. While such an approach is certainly to be encouraged, it runs the risk of being considered discriminatory. To assure its success, exporting States must show an equal determination to diminish their arms sales.


41 For example, the International Monetary Fund has been studying the overall economic costs of military spending so as to increase understanding of its relation to development and to social expenditures. It has also been encouraging countries, developed and developing alike, to examine whether they do not have scope to reduce their military spending and reallocate the resources to productive uses. These efforts were endorsed and encouraged by the Interim Committee of the International Monetary Fund’s Governors in October 1991.
9. Still in their early stages, none of these international initiatives—and there are others— is binding. Their implementation depends on the political will of each government. Unfortunately, and despite declarations of intent to the contrary, significant quantities of sophisticated arms continue to be transferred to highly volatile regions. Similarly, efforts are being made to open up new markets. Yet, the importance of these incipient initiatives must not be under-estimated. On the contrary, concerted efforts must be made to consolidate them until they form an integrated system of increasingly binding measures. Non-governmental organizations, several of which are actively interested in the limitation and elimination of arms transfers, can contribute much to this effort, not only by supporting it but also by anticipating it with their own initiatives and by their education of public opinion.

MOVING TOWARDS INTERNATIONAL STRUCTURES OF PEACE

10. At present, each State must assure the defense of its own territory. The diminution of arms transfers cannot therefore be separated from a far broader issue: how can the security necessary for peace be guaranteed by other means?

In order that all may enjoy the common good of peace, the Holy See has long recognized the need for a public authority having world-wide power “set up by common accord and not imposed by force”. As long as the danger of war persists, it would have to dispose of sufficient forces.

42 Cf. among other, the problem of the transfer of high technology with military applications which the UN Disarmament Commission is now considering. The Commission of the European Communities is examining the effect of the cutbacks in military expenditures and the conversion of the defense industry. The Organization of American States is planning to begin discussions on the proliferation of nuclear and conventional armaments.

43 Cf. among other, the Declaration of the G-7 of 16 July 1991 on arms transfers and the Communiqué published at the issue of the meeting of the Permanent Members of the Security Council of 18 October 1991.

44 Cf. John XXIII, Encyclical Pacem in Terris, Part IV.

45 Pastoral Constitution Gaudium et Spes, No. 79, § 4.
Although no such world-wide power exists, certain preliminary elements are already in place. 46

11. The ever more numerous and pressing calls addressed to the Security Council of the United Nations form part of this move towards the recognition of the importance of collective measures for maintaining or restoring peace. As the scope of United Nations peacekeeping forces becomes more clearly defined — and it is both necessary and urgent to do so — systematic consideration should be given to possible modalities of preventive interventions. All know that it is easier to prevent conflicts than to try to stop them. In view of this, early and compulsory measures of negotiation or mediation must be envisaged to break the spiral of violence. With this intent, the powers of the International Court of Justice might be strengthened and its decisions regarding controversies between States and peoples rendered binding.

The question remains of how to put an end to internal conflicts when the public authority has broken down. International bodies must reflect, in the light of such cases, on the limits of State sovereignty when a legitimate authority no longer exists, and on what steps to take to reestablish this authority by democratic means.

12. Regional institutions exist on all the continents. Their scope could be expanded, according to the specific needs of the region, to include all that is related to the maintenance of peace. The gradual establishment of regional or sub-regional systems of security and cooperation would constitute a solid base for similar agreements on an international level. Guaranteeing security on a regional level — and social and political security must not be overlooked — ought to result in a lowering of the level of arms and

46 United Nations Charter, article 47, 1 provides for a Military Staff Committee that would advise the Security Council on the employment and command of forces that each member State was to place at the disposal of the United Nations and also on the regulation of armaments. This Committee has not been operative to date, and the Security Council does not have forces of its own, although certain governments make forces available to it. Chapter VII, articles 39-44 of the Charter specifically foresee the possibility of the Security Council taking military action when all other means for the peaceful settling of conflicts have failed.
hence of their transfer. This would necessarily have a positive effect on the international level.

13. A considerable number of treaties, conventions or international and regional agreements on disarmament now exist, many of which have stringent verification measures. If they were put into systematic relationship with one another, they could become an integral part of an international security system which, to date, exists only in potentiality but which is more necessary than ever.\(^{47}\)

**DOING THE WORK OF PEACE**

14. In the world of today, it is urgent for all States to address the question of the control of arms transfers directly and with determination. Any cooperative effort among States must necessarily take into consideration several domains, because security, to date assured by arms, cannot be reduced uniquely to military concepts.

15. The integral development of all peoples is at stake:

All must realize that there is no hope of putting an end to the building up of armaments, nor of reducing the present stocks, nor, still less, of abolishing them altogether, unless the process is complete and thorough and unless it proceeds from inner conviction: unless, that is, everyone sincerely cooperates to banish the fear and anxious expectation of war with which men are oppressed. If this is to come about, the fundamental principle on which our present peace depends must be replaced by another, which declares that the true and solid peace of nations consists not in equality of arms but in mutual trust alone. We believe that this can be brought to pass, and We consider that it is something that reason requires, that it is eminently desirable in itself and that it will prove to be the source of many benefits.\(^{48}\)

\(^{47}\) The CSCE, at its meeting of 9-10 July 1992, decided precisely to study how to harmonize the obligations under existing international instruments concerning arms control and disarmament (cf. UN Document A/47/361-S/24370, Section V, Annex).

\(^{48}\) JOHN XXIII, Encyclical *Pacem in Terris*, Part III.
16. This is the context within which every effort for the strict regulation and radical diminution of the transfer of conventional arms must be placed. The problem is complex, and some may feel overwhelmed by its immensity. Yet, all without exception are called to build peace. All, therefore, have a contribution to make, however small it may be. Peace depends on it.

Rome, 1 May 1994

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