

1977

Arms Sales and the Major Western Powers

Arthur Cyr

Follow this and additional works at: <https://scholarship.law.vanderbilt.edu/vjtl>



Part of the [International Law Commons](#), and the [Military, War, and Peace Commons](#)

Recommended Citation

Arthur Cyr, Arms Sales and the Major Western Powers, 10 *Vanderbilt Law Review* 109 (2021)
Available at: <https://scholarship.law.vanderbilt.edu/vjtl/vol10/iss1/5>

This Article is brought to you for free and open access by Scholarship@Vanderbilt Law. It has been accepted for inclusion in Vanderbilt Journal of Transnational Law by an authorized editor of Scholarship@Vanderbilt Law. For more information, please contact mark.j.williams@vanderbilt.edu.

ARMS SALES AND THE MAJOR WESTERN POWERS

*Arthur Cyr**

I. INTRODUCTION

Questions and issues associated with the arms trade, particularly sales from developed to less-developed nations, have become increasingly visible in discussion among both specialists and the general public. The strong public outcry which greeted the publicity about a \$77 million Pentagon contract with the Vinnell Corporation of Southern California to train Saudi Arabian troops to protect oil fields is symptomatic of the current mood. A special subcommittee of the Senate Foreign Relations Committee has just concluded far-reaching hearings on the international arms traffic with intensive consideration of the American role. Congress has become much more skeptical and suspicious of executive branch independence in this policy area and has enacted legislation requiring congressional approval of any weapons sale over \$7 million and any servicing and secondary equipment transactions exceeding \$25 million.¹ Congress has also determined that arms control considerations must be applied to any arms transfers. It has been increasingly difficult to secure congressional approval of weapons sales, as several recent examples of congressional balking demonstrate.²

Large-scale arms sales took place in the past, but they did not generate the same sort of concerned attention. To some extent, this reflected the reluctance of governments to make arms trade information public. The understandable, automatic desire among the buyers and sellers of weapons was to keep their transactions out of the public eye. There was, as well, a comparative lack of public

* Program Director, Chicago Council on Foreign Relations. B.A., 1966, U.C.L.A.; M.A., 1967, U.C.L.A.; A.M., 1969, Harvard University; Ph.D., 1971, Harvard University. Dennis Ross of the U.C.L.A. Arms Control Center provided helpful advice for this article.

1. See, e.g., HOUSE CONFERENCE REPORT ON INTERNATIONAL SECURITY ASSISTANCE AND ARMS EXPORT CONTROL ACT OF 1976, H.R. REP. NO. 94-1272, 94th Cong., 2d Sess. 15 (1976).

2. *Hearings on S. 795, S. 854, S. 1816, S. 2662, and S. Con. Res. 21 Before the Subcomm. on Foreign Assistance of the Senate Comm. on Foreign Relations, 94th Cong., 1st Sess. 94 (1975) [hereinafter cited as 1975 Hearings].*

interest in the subject. Thus, the relatively underpublicized weapons purchases simply did not create widespread interest and attention.

Various factors have doubtless played a role in focusing increased attention on arms traffic and the various technical, strategic, and political issues raised. In sheer value and volume, arms traffic has escalated enormously in recent years. For example, major weapons imports by Third World countries increased from \$220 million in 1950, to \$880 million in 1960, and to \$1,890 million in 1972.³ With the dramatic growth in the volume of arms sales, there have been striking changes in the characteristics and direction of the weapons flow. In earlier years, the bulk of weapons sold were obsolete and war surplus materials. Presently, however, nations anxious to maintain their shares of the market are transferring the most modern weapons. Some weapons are being developed exclusively for overseas sales. For example, the United States Government reportedly incurred expenditures of \$112 million for development of the F-5E fighter, an aircraft that is of little interest to the American military except as a marketable item overseas. American weapons sales in recent years have been heavily concentrated in the three Middle Eastern countries of Iran, Israel, and Saudi Arabia. Of \$8.2 billion in equipment sold by the United States abroad in 1974, more than \$6.5 billion went to the Mideast; about \$4 billion went to Iran alone. Even greater amounts are involved when account is taken of the advisory military personnel and their dependents who are included in many arms deals, as for example, in the recent F-14 sale to Iran.⁴

The possibility that the weapons transfers might facilitate and encourage broader political commitment has also stimulated interest in the arms sales phenomenon, particularly in the United States. The Vietnam experience has led to an acute awareness that gradual involvement, undertaken without great publicity or forethought, can lead to more serious commitments later on. Indirect economic and military aid to South Vietnam led to involve-

3. Most of the sales are made by four industrialized countries: the United States, Great Britain, France, and the Soviet Union. The United States is by far the largest merchant, now accounting for about half of the annual overall global sales of \$20 billion. STOCKHOLM INT'L PEACE RESEARCH INST. Y.B. WORLD ARMAMENTS AND DISARMAMENT, 320-21 (1973) [hereinafter cited as 1973 SIPRI YEARBOOK]. To some extent, the growth in sales has stemmed from the decline in direct grant aid, mainly from Britain and the United States.

4. See note 2 *supra*.

ment in a costly conventional war.

The purpose of this essay is to discuss analytically the overseas arms sales policies of the three major Western supplier nations—the United States, Britain, and France. It is appropriate to group them together because they all have similar goals and characteristics. All are Atlantic Area NATO nations. They are democratic and are based upon largely private economies. The three nations have general histories of cooperation and alliance dating back to before the beginning of this century.

This analysis is based on the assumption that military trade between the industrialized and lesser-developed countries is especially likely to destabilize international relations since (1) high technology weapons in these areas have a greater impact, (2) political relationships are generally more fragile and uncertain both within and between these countries, and (3) the likelihood of nuclear exchange does not operate as effectively as a restraint on conventional warfare among Third World nations as among other nations.

II. INCENTIVES TO SELL

Generally, the multiple reasons encouraging the sale of arms may be divided into two categories—incentives for the seller, and incentives for the purchaser. For selling nations there are several important factors that encourage heavy armaments sales overseas. First, arms sales can improve a nation's overall economic situation, especially its balance of payments position. Although economists disagree about the importance of continued heavy payments deficits, governments have consistently been concerned about these deficits and the perceived need to maintain a favorable balance. The very unfavorable balances recently experienced by the United States have created strong pressures to sell arms abroad. Britain and France finance large portions of their defense budgets with arms sales revenue. Though the United States may dwarf other nations in the total amounts of arms sold, the smaller economies of these nations makes the arms trade comparatively more important for them. One specialist recently observed, "France and Britain especially have become heavily dependent upon export sales for the survival of their defense industries. According to recent studies, the French aerospace industry exports over 50 per cent of its output while British aerospace companies rely on ex-

ports to absorb over 30 per cent of their output."⁵

Secondly, aside from the domestic economic considerations, arms sales provide a method for maintaining and building international political influence through direct influence over the buyer. Paradoxically, however, the process of selling arms to gain influence over other smaller countries also creates reciprocal limitations on the seller. It becomes necessary for the seller to consider carefully whether a change in foreign policy will negatively affect the relationship with the purchaser. Moreover, supplying arms opens the possibility of embarrassment if the recipient is defeated, especially if this occurs at the hands of an opponent who is the customer of another major power.

For purchasing states there are also reasons for engaging in arms sales. First, arms purchases can preserve regional power balances. The danger that one small nation may gain hegemony or a dominant position in a region may be reduced by providing arms to the other side. Secondly, it has been argued that selling conventional arms prevents, or at least slows down, the proliferation of nuclear weapons by inhibiting the drive to acquire nuclear weapons.

III. NATIONAL POSITIONS AND POLICIES

This general theoretical outline of various policies is grounded on a focused examination of the specific national experiences of the United States, Britain, and France. There are some important differences between these nations' arms sales policies even though they are all NATO allies (at least in formal terms) and leading arms sellers interested in improving their economic positions. Arms are used as diplomatic tools, but how they are employed varies greatly among the three countries. Significant differences exist in regional distributions of arms.⁶

5. Cahn, *Have Arms, Will Sell*, 4 ARMS CONTROL TODAY, Oct., 1974, at 2.

6.

Total Arms Transfers
1966-1975 (Million Current Dollars)

<i>Recipient</i>	<i>Supplier</i>		
	United States	United Kingdom	France
Africa	361	219	741
East Asia/Oceania	16,456	267	178
Latin America	883	328	502
Near East	7,475	775	544

A. *American Policies*

In total amount of arms sold, the United States is far ahead of the other nations, and this lead has been widening in recent years. While all three nations may indeed be at the top of the list of arms sellers, the United States is especially distinctive because of the aggressiveness and success with which it has undertaken arms sales. American arms sales have grown in the past eight years, not as part of a conscious national design, but because the weapons are available, profits are high, customers are eager, and income from such sales helps the nation's international economic position. These powerful influences encouraging sales are unopposed by countervailing pressures for restraint or close supervision by the government. In fiscal 1975, the United States Army spent more on foreign military sales than on outfitting American troops—\$1.9 billion for the former versus \$1.1 billion for the latter.⁷

The United States has been led by various considerations to channel arms into two particular regions of the world, the Middle East and the Far East. In 1970 and 1971 approximately 65 per cent of United States weapons exports to countries outside of the Atlantic Area went to the Middle East, notably to Iran and Israel. Likewise, in the early 1970s shipments to the Far East increased considerably, even if Vietnam aid is discounted. This trend partially reflects the effort to implement the Nixon Doctrine,⁸ which declared that in the future other nations would be expected, if they were attacked, to rely more on their own resources and very limited American military aid, with far less likelihood of direct American military engagement. Since this doctrine was not designed to apply to Europe, the area of our strongest military commitment, the most significant arena for its application has been the Far East.⁹

B. *French Policies*

For France, foreign policy grandeur under de Gaulle may have required general international assertiveness, including arms sales activity; but more broadly, French arms exports have been in-

U.S. Arms Control and Disarmament Agency, *World Military Expenditures and Arms Transfers 1966-1975* (U.S. Government Printing Office, 1976).

7. Szulc, *Kickback*, 174 NEW REPUBLIC, Apr. 17, 1976, at 10.

8. STOCKHOLM INTERNATIONAL PEACE RESEARCH INSTITUTE, *THE ARMS TRADE WITH THE THIRD WORLD*, 153-54 (1971).

9. STOCKHOLM INT'L PEACE RESEARCH INST. Y.B. WORLD ARMAMENTS AND DISARMAMENT, 103-04 (1972) [hereinafter cited as 1972 SIPRI YEARBOOK].

creasing since at least 1950. Although the increase has not been as prominent or dramatic as that in America, the French have had a major impact. In 1970, for example, they exported early \$1.3 billion worth of military material. The bulk of the sales have been aeronautical products. This indicates the success the French have enjoyed in promoting the Mirage fighter.

French military exports during the post-war period have been distributed globally. Before 1970, French sales were concentrated in Africa and the Middle East. By the early 1970s, France was the principal supplier of weapons to South Africa and Latin America. French policy has been characterized by considerable imagination in making weapons deals more attractive. For example, countries in the Middle East have been offered arms arrangements that include Pakistani, not French, technical assistance. Pakistan has close links to the French aircraft industries and its involvement is less embarrassing to the lesser developed countries.¹⁰

French arms export patterns are indicative of the broad, and comparatively indiscriminate, character of the nation's foreign policy outside of Europe. Though activity has been somewhat concentrated in the Middle East and Africa, it has hardly been limited to these regions. No particular area of the globe has had a sufficiently strong grip on French policy long enough to bring about a narrow regional concentration of the arms flow. This indicates, among other things, the basic importance of Europe and the Atlantic Area to French policy. While President de Gaulle was involved in numerous foreign policy efforts, principal attention was, after all, devoted to gaining a greater measure of stature vis-à-vis the United States and the Soviet Union, challenging the assumption that either Britain or West Germany was the pivotal nation in Western Europe, and exercising greater leadership within Europe generally. As a result, attention was drawn away from potentially close alliances with the less-developed countries. Moreover, the efficient elimination of the remaining French colonial holdings under de Gaulle left few binding political and military links with the less-developed world.

C. *British Policies*

British arms sales have also reflected broader characteristics of the nation's foreign policy. In comparison with France, Britain's retreat from empire has been accompanied by more significant

10. 1973 SIPRI YEARBOOK, at 300-01.

residual ties, often military in nature. The fact that commitments have survived the termination of colonial relationships is testimony to the comparatively good rapport Britain has enjoyed with most of the nations which once comprised the Empire and now make up the Commonwealth. Furthermore, there has been a continuing British desire to maintain wide-ranging military commitments in the wake of a shrinking international political and economic role. British withdrawal of troops and abandonment of installations has been replaced by defense pacts and arms aid.

Partially similar to the pattern of United States arms sales, the British trade has been concentrated in the Middle East. Britain's decision to withdraw forces from positions east of the Suez as part of the long post-war process of adjustment to a much reduced role might have resulted in the substitution of other arms suppliers for the British. Instead the transition led to increased British arms sales to a number of states. British sales to Malaysia, Singapore, and other parts of the Far East have increased. This has also been the case in Africa and the Middle East, most significantly in Iran, which has been receiving the largest volume, and also in the Arab Peninsula. Consistent with the continuing alliance between Britain and the United States, and in reaction to the implications of the former's withdrawal from the Mediterranean, there has been some collaboration between the two countries in the arms field. Beginning in 1969, the two undertook a \$1 billion program to bolster and improve Iran's armed forces in preparation for the British departure from the Persian Gulf.¹¹

There have been significant British arms sales activities elsewhere, notably in Latin America. Ships as well as aircraft have been purchased by a number of nations in that region. Some of the most important naval transactions are being completed over a period of years; thus their impact on British sales statistics for any particular year is limited.

IV. ARMS SALES TRENDS AND JUSTIFICATIONS

Despite the regional variations, the three nations under consideration are similar in their overall arms sales activities. First, there has been a lack of clearly defined policy interests motivating the countries' arms sales, although there has not been a total absence of attention to the issue of how arms bear on broader foreign policy concerns, or how they might be used to influence the actions of

11. 1972 SIPRI YEARBOOK, at 108.

other nations. In the Middle East, all three, and most dramatically the United States, have certainly employed arms aid as an important tool in the effort to influence events there. Under the direction of Secretary Kissinger, the substantial amounts of arms aid made available to both sides have been directly related to the goal of increasing American leverage. Generally, however, military sales in recent years have increased tremendously without overall control or clear connection to national policy goals.

In addition to the lack of concentrated national policy, there has been an absence of international coordination among major armaments sellers. This communication gap is comparatively easy to understand in the case of the United States and the Soviet Union, longstanding competitors for influence, whose competition has been somewhat dampened, but hardly eliminated, by the strategic arms limitations agreements and technical collaboration under what used to be labeled "detente." The lack of coordination between three formally allied nations such as Britain, France, and the United States is much more difficult to understand. Limited joint ventures such as the collaboration in arms assistance to Iran show that the countries are capable of working together, but these arrangements have not dominated. The three nations remain competitive and nationalistic.

This international situation indirectly encourages more aggressive and nationalistic sales policies. A common argument for engaging in the arms trade—one which has been influential in each of the major countries under consideration—is that if one government does not take the orders another will.¹² Since no efforts at international coordination have been undertaken there is no way of knowing whether such efforts would reduce the growth of the enormously expanding arms sales traffic.

In addition to the practical, economic, and national considerations is the nuclear-strategic question. One of the suggested justifications for significant conventional arms shipments to other countries, particularly outside of Europe, is that they discourage recipient nations from developing nuclear capabilities. Since an increasingly large number of nations appear to be on the verge of acquir-

12. Senator Edward Kennedy, in a 1975 article in *Foreign Affairs*, made the point that various considerations spur arms sales, including encouragement "as a kind of last resort argument heard more in private than in public—by the belief that if we don't sell arms to the Gulf countries, some other country will." Kennedy, *The Persian Gulf: Arms Race or Arms Control?*, 54 *FOREIGN AFFAIRS*, Oct. 1975, at 18.

ing the technical capacity to develop and manufacture their own nuclear weapons, this argument carries particular weight. Nevertheless, it is a difficult position to defend in light of available empirical evidence. Substantial conventional military capabilities, achieved with considerable external aid and assistance, did not prevent India from developing a nuclear device. Similarly, the enormous size of China's land armies did not inhibit expansion beyond the nuclear threshold. Israel is a leading example of a nation that attained nuclear capability despite the purchase and receipt of enormous quantities of outside military assistance as direct aid, the bulk of it from the United States. It is an openly stated assumption that the Israelis have nuclear weapons; at this point the informed discussion of the subject centers around their numbers and characteristics. Likewise, the Arab nations are restricted in the development of nuclear weapons by their lack of technical expertise, rather than by any deterrent effect due to the substantial conventional arms assistance they have received.

Another argument in support of arms sales is that such sales provide influence to the country that makes the weapons available. This justification is more defensible than the one concerning nuclear weapons. Arms assistance to the adversaries in the Middle East was instrumental in Secretary Kissinger's efforts to achieve a modicum of stability there. But in that region it has been necessary to resort to increasingly large—indeed enormous—arms assistance to obtain comparatively modest leverage over the contestants. Also, as noted earlier, a seller faces restrictions as well as potential influence.

Global growth in the arms trade is not directly related to disciplined efforts to gain leverage over the foreign, or even military, policies of other nations. The calculated use of arms aid is often frustrated by the flood of arms being sent to other countries by the United States, Britain, and France with no direct accounting to policy considerations. As testimony in the recent special Senate hearings on the arms traffic indicated, there is no clear United States priority interest in using sales as a method for gaining influence over other nations.¹³ Having clients may indeed be an effective way of exercising broader diplomatic influence; however, there is no reason to believe that this is a major incentive for the United States or other selling nations.

There are powerful objections to arms sales because of the im-

13. See, e.g., testimony of Admiral Gene La Roegue, 1975 *Hearings*.

fact of such sales on the recipients. It is far from clear that present policies encourage stability, and they may well do the reverse. Even if conventional weapons dampen the desire to manufacture a nuclear capability—and there is no indication that they do—the sophistication of the weapons now being made available to Third World countries may encourage more dangerous and potentially destructive conventional arms races. A supply of technically advanced systems is likely to create a demand for more.

Additionally, the sale of sophisticated weapons abroad, especially in the thoughtless and indiscriminate manner of recent years, can seriously compromise the defense capabilities of the selling nations. Such sales increase the likelihood that sophisticated and closely held information will become available to hostile powers.¹⁴ Occasionally, defectors from NATO to Warsaw Pact countries bring with them technical information of great importance. The Russian pilot who landed in Japan is only the most recent example. Present practices make it far more likely that vital information will be spread and controls will be lost.

Finally, despite the fact that large amounts of weapons are being sold to both sides in the Middle East (Israel and the Arab states have amassed enormous arsenals), there is no indication that this has promoted regional stability by making them comparatively secure. On the contrary, the fact that the two camps are so heavily armed increases insecurity and virtually guarantees that another Middle East war will be even more devastating than the last. Furthermore, some have argued that the technically advanced character of the weapons involved may make a preemptive first strike more attractive because these weapons would be more likely to eliminate a substantial portion of the opponent's military capacity.¹⁵

14. As one witness stated during Senate hearings on the arms traffic: "I would certainly hate to see an F-14 fly into an unfriendly country or to have an unfriendly regime take over in a country such as Iran where an F-14 could be thoroughly examined. I believe we would lose a lot of our technological edge in the process, and of course, the F-14 is not the only sophisticated system that is in Iran at this time." 1975 *Hearings*, at 78 (testimony of Dale R. Tahtinen, Assistant Director of Foreign and Defense Policy Studies at the American Enterprise Institute for Public Policy Research, Washington, D.C.).

15. See Rosen & Indyk, *The Temptation to Pre-Empt in a Fifth Arab-Israeli War*, 20 *ORBIS*, Summer 1976, at 265-85.

V. CONCLUSION

Several important conclusions emerge from a consideration of the attitudes and approaches of these three Atlantic Area nations to the foreign arms sales. There is the dominant impression of a uniformity among the countries, despite their foreign policy differences. All three have become increasingly active in the overseas arms trade. The United States may overshadow the others, but this seems to be due more to greater production and distribution capacity than to any real differences in attitude. All three are not only selling greater quantities of weapons, but they are tending toward selling the most advanced conventional weapons systems available.

The Atlantic nations have not developed clear arms sales policy guidelines. Selling is essentially a passive activity. Legal rules have not been formulated, policies have not been developed, and simple economic forces operating on buyers and sellers have been allowed to dominate. Economic incentives, not the specific national security goals which arms sales might further, exert the greatest influence. Specific deals designed to produce greater diplomatic influence over specific countries are powerfully overshadowed by the more general arms trade that is not closely supervised. The ability of buyers to bypass governments in certain areas reinforces this pattern. While most sales in the three countries are handled through public authorities, there are exceptions. In the United States, the Pentagon usually acts as the agent of defense contractors in foreign military sales. Airliner sales, however, have been handled directly between buyers and manufacturing companies, as in the controversial Tristar sale to Japan.¹⁶

With the general absence of direction over sales policies, there has been a widespread lack of concern for the dangers to the international stability posed by the proliferation of conventional weaponry. The anxiety over the hazards of nuclear proliferation, especially to Third World countries, may have served to overshadow the risks inherent in the spread of conventional rather than nuclear weapons. The fact that more advanced and sophisticated conventional arms are being traded increases the chance that the traffic will have destabilizing effects and encourage even more ambitious acquisitions. Thus, the arguments against sales carry more force than those offered in justification.

16. Szulc, *supra* note 7, at 9.

Finally, these observations may be related directly to the practices and institutions of the governments involved. None of the countries under consideration has developed coherent, detailed, and practical arms sales control policies. Nevertheless, the United States has gone the farthest in examination by public institutions of policy shortcomings in this field. As in other foreign policy areas, Congress has recently become very assertive in evaluating and criticizing executive performance. Such prominent discussion has not had parallels in France, where the President is unusually independent in foreign affairs, or in Britain where the executive and legislature are fused rather than separated and the House of Commons generally lacks the substantive staff resources that are available to Congress. Once again, in this context, as in others, the comparatively vigorous and independent character of the national legislature in the United States is underlined.¹⁷

In addition to the lack of strong internal coordination in the governments involved, there has been a failure of international coordination in arms sales. This is partly explained by the lack of national policies and attention. Nonetheless, this appears to be a particularly promising area for international linkage. The three countries share a history of military and diplomatic cooperation on security concerns dating back to the beginning of this century. More importantly, all are allied militarily through NATO. An effective collaboration of three of the four major sellers would substantially refute the argument that abstention by one only permits another to receive the profits. There is a certain concreteness and specificity to the arms trade which should facilitate and promote cooperation among these nations. Arguably they have mutuality of interest. Other economic issues, such as general trade and monetary questions, are more complex and contentious and can more easily lead to competitive rather than cooperative attitudes. By failing to develop an international partnership in arms sales policy, the three countries have missed an important opportunity for a possible increase in Atlantic area collaboration.

17. For a discussion of the comparative powers of the U.S. Congress vis-à-vis other Western legislatures see Grosser, *The Evolution of European Parliaments*, in *A NEW EUROPE* (S. Graubard ed. 1967).