

42. Items relating to small arms

A. Small arms

Decision of 31 August 2001 (4362nd meeting): statement by the President

At its 4355th meeting, on 2 August 2001, the Security Council included in its agenda a letter dated 25 July 2001 from the representative of Colombia addressed to the President,¹ transmitting a document entitled "Issues for the open debate on the question of small arms". The document informed Member States that wished to participate in an open debate by the Council, scheduled to take place on 2 August 2001, that issues to be considered during the debate included, but were not limited to, the content of the relevant reports of the Secretary-General; follow-up mechanisms; special briefings on the question of small arms; strengthening of regional and subregional mechanisms; arms embargoes; and advisory missions.

During the meeting, statements were made by all Council members and the representatives of Argentina, Australia, Belarus, Belgium (on behalf of the European Union²), Brazil, Bulgaria, Canada, Chile, Costa Rica, Egypt, Ghana, India, Japan, Mexico, Nepal, New Zealand, Nigeria, Pakistan, Peru, the Philippines, the Republic of Korea, Sierra Leone, South Africa, the Sudan (on behalf of the Group of Arab States), Thailand and Venezuela. The Council also heard a briefing by the Secretary-General.

In his briefing, the Secretary-General noted progress made at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects held the previous month, particularly the adoption of a comprehensive programme of action.³ The Secretary-General highlighted the commitment of States to developing, strengthening and implementing norms and measures aimed at preventing, fighting and eradicating illicit manufacture of and trade in small arms and light weapons. He affirmed that States had

agreed to place special emphasis on post-conflict situations, particularly the disarmament, demobilization and reintegration of ex-combatants; agreed to act responsibly in the areas of export, import, transit and transfer of weapons; recognized the need to mark and keep accurate records to allow timely tracing and identification; pledged to improve the implementation of arms embargoes; and agreed to destroy illicit or surplus weapons as necessary. He informed the Council that the Programme of Action called for greater transparency and for public awareness programmes, and encouraged Governments to continue working on the issues on which they could not reach consensus at the Conference, such as the question of negotiating legally binding instruments. The Secretary-General also drew attention to the need to address the supply side of the problem, as well as elaborating on the complexity of the devastating impact of small arms violence in the areas of development, democracy, human rights and human security, to which children were especially vulnerable. Finally, the Secretary-General assured the Council that the Conference was not meant to infringe on national sovereignty, limit the rights of States to defend themselves or take away guns from legal owners.⁴

Most speakers welcomed the outcome of the Conference and expressed gratitude to the President for a timely debate at the Council. Speakers also acknowledged that small arms and light weapons posed a grave threat to humanity and called for a comprehensive approach that covered various areas affected by small arms proliferation, such as cooperation with international and regional bodies, civil society and other organizations of the United Nations system. They also emphasized the need to address the root causes of proliferation in small arms, including poverty, lack of development, ethnic strife and the culture of violence; take into account specific facts of each conflict situation; include in the mandates of peacekeeping operations provisions relating to disarmament, demobilization and reintegration; find measures to monitor the implementation of arms embargoes, including the provision of more information to sanctions committees; and ensure that

¹ S/2001/732.

² Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

³ See *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9-20 July 2001 (A/CONF.192/15)*, para. 24.

⁴ S/PV.4355, pp. 3-4.

States adopted national legislation to comply with, and punished violations of, such embargoes.

The representative of Mauritius called for further measures to implement resolution 1209 (1998), which stressed the importance of restricting arms transfers which could prolong armed conflicts in Africa, and resolution 1196 (1998), which called upon States to adopt legislation making the violation of arms embargoes a criminal offense.⁵

Several speakers reiterated the Secretary-General's remark that measures against illicit small arms and light weapons should not encroach on the legitimate right of States to defend themselves and legally acquire weapons, under Article 51 of the Charter of the United Nations.⁶ The representative of China asserted that the sovereignty of States, as well as their right to the legal production, possession and transfer of small arms should not be compromised.⁷

While most speakers welcomed the Programme of Action as the first international agreement that established a realistic and comprehensive framework and encouraged all Member States to fully implement it, a number of speakers remarked on its shortcomings. The representative of Ireland voiced his preference for stronger commitments, while the representative of Peru mentioned the incomprehensible deficiencies apparent in its adoption.⁸ The representative of Mali, who made a joint statement with the representative of Norway, indicated that his Government would have preferred a more ambitious plan of action, and that both an international agreement on explicit export criteria that could be effectively implemented and international instruments on marking and tracing small arms and on brokering operations were necessary. He also expressed regret, echoed by a number of other representatives, that the Conference had failed to achieve agreement on the regulation of individual possession of small arms and light weapons.⁹ The representative of Mauritius, echoed by other representatives, expressed

disappointment in the lack of agreement on the need to establish restrictions on the transfer of small arms to non-State actors.¹⁰ The representative of India asserted that the international community must agree, as it had been unable to do so at the Conference, that the trade in arms must flow only through channels authorized by both exporting and importing Governments to stop any diversion to terrorists or non-State actors.¹¹ The representative of Costa Rica expressed concern that the Programme of Action failed to explicitly prohibit the transfer of arms to rebel groups; condemn the dispatch of arms to Governments that committed systematic violations of human rights; reflect the need for a legally binding code of conduct on the transfer of arms; or include any explicit reference to human rights.¹²

Although most speakers called for the Council's continued involvement in the resolution of illicit trade in small arms and light weapons, some speakers advocated a limited role for the Council. The representatives of the United States and Pakistan remarked that the focus of the Conference was on the obligation of the Member States as reflected in the Programme of Action, and warned that the Council should not seek a more elaborate role beyond its competence.¹³ The representative of South Africa, echoed by the representative of the Sudan, stated that the issue of small arms should continue to be dealt with in the General Assembly and that the Council should confine its involvement to specific areas related to its agenda.¹⁴

However, the representative of Jamaica and the representative of the United Kingdom expressed the hope that the debate would result in practical proposals and recommendations for the mainstreaming of the small arms issue in the work of the Council, moving it from a tangential to a more central position in the Council's deliberations.¹⁵ The representatives of the Republic of Korea and Costa Rica stated that the Council should strengthen its role in combating the

⁵ *Ibid.*, pp. 17-18.

⁶ *Ibid.*, p. 13 (Russian Federation); and p. 16 (Tunisia); S/PV.4355 (Resumption 1) and Corr.1, p. 15 (Venezuela); and p. 17 (Sudan on behalf of the Group of Arab States).

⁷ S/PV.4355, p. 15.

⁸ *Ibid.*, p. 22 (Ireland); and p. 27 (Peru).

⁹ *Ibid.*, p. 19 (Mali, also on behalf of Norway); S/PV.4355 (Resumption 1) and Corr.1, p. 5 (Chile); p. 24 (Canada); and p. 28 (Costa Rica).

¹⁰ S/PV.4355, p. 18 (Mauritius); S/PV.4355 (Resumption 1) and Corr.1, p. 5 (Chile); pp. 11-12 (South Africa); and p. 24 (Canada).

¹¹ S/PV.4355 (Resumption 1) and Corr.1, pp. 19-20.

¹² *Ibid.*, p. 28.

¹³ S/PV.4355, p. 5 (United States); S/PV.4355 (Resumption 1) and Corr.1, pp. 23-24 (Pakistan).

¹⁴ S/PV.4355 (Resumption 1) and Corr.1, p. 11 (South Africa); and p. 17 (Sudan).

¹⁵ S/PV.4355, p. 6 (Jamaica); and p. 12 (United Kingdom).

illicit trade in small arms and preventing their excessive accumulation.¹⁶ The representative of Sierra Leone asserted that because issuing presidential statements and resolutions had little meaningful effect, the Council should develop the capacity to have greater leverage over the parties directly responsible for the propagation of conflicts and adopt sterner, more resolute measures to attain its obligations under the Charter. He added that the Council should markedly and continuously exert its authority over the form and content of the provisions of the Programme of Action.¹⁷

Several speakers expressed their belief that the Council had its own distinctive role to play, particularly in strengthening the effectiveness of its arms embargoes and supporting disarmament, demobilization and reintegration measures.¹⁸ The representative of Ukraine pointed out that the Council could offer added value in putting an end to economies of war and encouraging voluntary moratoriums on arms exports to regions in conflict.¹⁹ The representative of Chile stated that the Council should have the relevant information about the illicit use of arms and military weapons in order to strengthen preventive measures, and that it must play a dynamic role in educating Member States about the negative effects of sustained flows of weapons to areas of conflict.²⁰ Some representatives suggested that closer consultation and coordination with the General Assembly and other United Nations organs could enhance the effectiveness of the work of the Council.²¹ The representative of Peru added that the overlap in the functions and responsibilities of the Council and the General Assembly afforded a splendid opportunity for coordination between the two organs.²²

At its 4362nd meeting, on 31 August 2001, the Council again included in its agenda the above-mentioned letter.²³

¹⁶ S/PV.4355 (Resumption 1) and Corr.1, p. 14 (Republic of Korea); and p. 27 (Costa Rica).

¹⁷ *Ibid.*, pp. 30-31.

¹⁸ S/PV.4355, p. 21 (Ukraine); S/PV.4355 (Resumption 1) and Corr.1, p. 9 (Philippines); p. 15 (Venezuela); and p. 29 (Belarus).

¹⁹ S/PV.4355, p. 21.

²⁰ S/PV.4355 (Resumption 1) and Corr.1, p. 6.

²¹ S/PV.4355, p. 7 (Jamaica); and p. 23 (Singapore).

²² *Ibid.*, p. 27.

²³ S/2001/732.

At the same meeting, the President (Colombia) made a statement on behalf of the Council,²⁴ by which the Council, *inter alia*:

Noted with grave concern that the destabilizing accumulation and uncontrolled spread of small arms increased the intensity and duration of armed conflicts; expressed grave concern at the harmful impact of small arms on civilians in situations of armed conflict;

Welcomed recent global and regional initiatives; also welcomed the Programme of Action and called on all Member States to take the required measures to implement promptly the recommendations contained therein;

Underlined the importance of practical disarmament measures in averting armed conflicts;

Emphasized the importance of the effective collection and control of small arms and of their storage and destruction in the context of disarmament, demobilization and reintegration programmes;

Reiterated its call for the effective implementation of arms embargoes imposed by the Council in relevant resolutions;

Requested the Secretary-General to submit a report by September 2002 containing specific recommendations on ways and means in which the Council might contribute to dealing with the question of illicit trade in small arms.

Decision of 31 October 2002 (4639th meeting): statement by the President

At its 4623rd meeting, on 11 October 2002, the Council included in its agenda the report of the Secretary-General on small arms of 20 September 2002.²⁵ The report, which reflected initiatives taken by the Council, identified areas where further action by the Council was required, and stressed that preventing, combating and eliminating the uncontrolled spread of small arms and light weapons constituted one of the key tasks of the Council in discharging its primary responsibility of maintaining peace and security. The report contained 12 recommendations of the Secretary-General, calling upon Member States to develop an international instrument to enable States to identify and trace illicit small arms and light weapons; use, and provide technical and financial support to the INTERPOL Weapons and Explosives Tracking System; assist the Secretariat in establishing the small arms advisory service; enforce all Council resolutions on sanctions and bring their own national legislation into

²⁴ S/PRST/2001/21.

²⁵ S/2002/1053, submitted pursuant to the presidential statement of 31 August 2001 (S/PRST/2001/21).

compliance with the Council's measures on sanctions, as well as make available to the appropriate United Nations bodies all pertinent information on any alleged violations of arms embargoes and take appropriate measures to investigate such allegations. The recommendations of the Secretary-General further indicated that the Council should enhance its interaction with the General Assembly on issues relating to small arms; continue its efforts to identify the links between the illicit trade in small arms and light weapons and the illicit exploitation of natural and other resources, as well as the trade in illegal drugs; recognize the importance of disarmament, demobilization and reintegration and include such measures in the text of negotiated agreements and mandate of peacekeeping operations; strengthen the financing of disarmament, demobilization and reintegration through the expansion of measures covered under the budget for peacekeeping operations; establish the necessary legislative or other measures to ensure effective control over the export and transit of small arms and light weapons; pursue more vigorously and expeditiously the use of arms embargoes under Article 41 of the Charter and promote their effective implementation; consider coercive measures against Member States that deliberately violated arms embargoes and establish monitoring mechanisms; and enhance transparency in armaments.

During the meeting, the Council heard a briefing by the Under-Secretary-General for Disarmament Affairs, and statements were made by all members of the Council and the representatives of Argentina, Australia, Canada, Chile, the Congo (on behalf of the Economic Community of Central African States),²⁶ Costa Rica, Croatia, Denmark (on behalf of the European Union²⁷), Egypt, India, Indonesia, Israel, Jamaica, Japan, Kenya, Malawi, Namibia, Nigeria, Pakistan, the Philippines, the Republic of Korea, Senegal, South Africa, Switzerland, Ukraine and Zambia.

²⁶ Angola, Burundi, Cameroon, the Central African Republic, Chad, the Democratic Republic of the Congo, Equatorial Guinea, Gabon, Rwanda and Sao Tome and Principe aligned themselves with the statement.

²⁷ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

The Under-Secretary-General for Disarmament Affairs, in his briefing, stated that Member States had engaged in the implementation of the Programme of Action with great enthusiasm, and that several initiatives on a national and regional level had yielded encouraging results. He called for the Council's political support for the Secretariat initiative to build a small arms advisory service within the Department of Disarmament Affairs to enhance the effectiveness of the Coordinating Action on Small Arms mechanism and the ability of the United Nations to assist Member States in the implementation of the Programme of Action.²⁸

Most speakers welcomed the report of the Secretary-General and endorsed his recommendations. Speakers called for, *inter alia*, national legislative measures that complied with sanctions imposed by the Council, including end-user certificates; firmer implementation of arms embargoes and monitoring mechanisms to identify violators; enhanced coordination with the General Assembly, regional organizations, non-governmental organizations and civil society; a comprehensive approach to address the multifaceted consequences of proliferation in small arms and the limits to the effectiveness of arms embargoes; and attention to the root causes of armed conflicts, including economic and social dimensions. Most speakers maintained that although the Council should continue to pay special attention to the illicit traffic of small arms and light weapons including via arms embargoes and disarmament, demobilization and reintegration, the primary responsibility lay with Member States. The representative of Egypt stressed that the Council had an important role to play in the field of small arms and light weapons, in the light of its responsibility for the maintenance of international peace and security in accordance with Article 24 of the Charter.²⁹ However, the representative of the Russian Federation emphasized that the Council should focus its attention primarily on those instances in which illicit arms trade was directly linked to conflict situations on the Council's agenda.³⁰

Many speakers acknowledged the challenges and difficulties faced by disarmament, demobilization and reintegration programmes and urged the Council to include such measures in the mandates of the

²⁸ S/PV.4623, pp. 2-3.

²⁹ S/PV.4623 (Resumption 1), p. 5.

³⁰ S/PV.4623, p. 17.

peacekeeping operations. However, China noted that because the causes and manifestations of the world's armed conflicts varied, the Council should bear that in mind when deciding whether to incorporate disarmament, demobilization and reintegration into peacekeeping mandates.³¹

The representative of Malawi emphasized the importance of developing closer, mutually reinforcing linkages between the Programme of Action and the Secretary-General's broad-ranging recommendations.³²

While a number of speakers drew attention to the danger of small arms and light weapons reaching terrorist groups and non-State actors, several speakers reiterated the right of every State to self-defence according to Article 51 of the Charter.³³ The representative of Israel reminded the Council that while States had the right to acquire and produce small arms, the international community had the right and the obligation to insist that the use of such weapons be restricted to self-defence and national security, and to demand that States ensure that such weapons did not fall into unauthorized hands.³⁴ The representative of Japan drew attention to resolution 1373 (2001), which called for the elimination of the supply of weapons, including small arms, to terrorists as an essential element in the global fight against terrorism.³⁵

Several speakers commended progress made in regional-level cooperation.³⁶ The representative of Denmark, speaking on behalf of the European Union, welcomed the emergence of new partnerships among States, civil society and non-governmental organizations in follow-up to the Conference, while the representative of Canada noted progress in developing legislation, promoting technology for marking and tracing, dealing with harmful brokering and collecting and destroying weapons.³⁷

The representative of South Africa, in contrast, echoed by the representative of Namibia, expressed concern that the international community still faced the

proliferation and excessive accumulation of small arms and light weapons despite the adoption of the Programme of Action.³⁸ The representative of Mauritius stated that the circulation of illicit small arms and light weapons had increased, and asked the Council to look beyond the classical approach of simply coming out with another statement which will remain a dead letter. He pointed out the lack of coordination not only between the General Assembly and the Council but also at the regional, subregional and international levels. He noted the need to follow up to ensure the implementation of decisions and recommendations that were left to the will and discretion of individual countries and to find an effective way to deal with brokers and middlemen involved in the trade of small arms and light weapons.³⁹ The representative of Egypt stated that practical difficulties of accurately monitoring arms exports, and an absence in the Council of the will to enforce certain embargoes and verify their implementation, limited the success of new measures such as the establishment of independent panels of experts and monitoring mechanisms for implementing arms embargoes.⁴⁰ The representative of the Republic of Korea also hoped that the Council would pursue the use of monitoring mechanisms, in accordance with Article 41, with a view to ensuring successful enforcement.⁴¹

Several speakers expressed concern about the absence of an international treaty or other legal instrument to control the illicit use of small arms and light weapons and called for further pursuit of legally binding commitments on marking, tracing, and brokering.⁴²

At its 4639th meeting, on 31 October 2002, the Council again included in its agenda the report of the Secretary-General of 20 September 2002.⁴³

At the same meeting, the President (Cameroon) made a statement on behalf of the Council,⁴⁴ by which the Council, *inter alia*:

³¹ *Ibid.*, p. 8.

³² S/PV. 4623 (Resumption 1), p. 36.

³³ S/PV.4623, p. 14 (Syrian Arab Republic); S/PV.4623 (Resumption 1), p. 37 (Pakistan).

³⁴ S/PV.4623 (Resumption 1), p. 15.

³⁵ *Ibid.*, p. 10.

³⁶ *Ibid.*, p. 10 (Australia); p. 14 (Israel); and p. 37 (Pakistan).

³⁷ *Ibid.*, p. 19 (Denmark); and p. 26 (Canada).

³⁸ *Ibid.*, p. 22 (South Africa); and p. 29 (Namibia).

³⁹ S/PV.4623, pp. 5-6.

⁴⁰ S/PV.4623 (Resumption 1), pp. 4-5.

⁴¹ *Ibid.*, p. 4.

⁴² *Ibid.*, p. 17 (Nigeria); p. 19 (Denmark); p. 25 (Argentina); and p. 28 (Jamaica).

⁴³ S/2002/1053.

⁴⁴ S/PRST/2002/30.

Encouraged all Member States to continue to take all measures to implement fully the recommendations contained in the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects;

Reaffirmed the inherent right of individual and collective self-defence in accordance with Article 51 of the Charter;

Encouraged arms-exporting countries to exercise the highest degree of responsibility in small arms and light weapons transactions;

Stressed the need for cooperation and sharing of information among Member States;

Recognized the important role of arms embargoes;

Recognized that the primary responsibility for the implementation of sanctions measures rested with the States;

Reiterated its call for the effective implementation of arms embargoes imposed by the Council pursuant to its relevant resolutions.

B. Proliferation of small arms and light weapons and mercenary activities: threats to peace and security in West Africa

Initial proceedings

Decision of 18 March 2003 (4720th meeting): resolution 1467 (2003)

At its 4720th meeting,⁴⁵ on 18 March 2003, the Security Council included in its agenda the item entitled “Proliferation of small arms and light weapons and mercenary activities: threats to peace and security in West Africa” and held a workshop to discuss the matter in an interactive manner. The Council heard a statement by the Secretary-General and briefings by the Interim Commissioner for Peace, Security and Political Affairs of the African Union, the representative of the Chairman of the Economic Community of West African States (ECOWAS), the Executive Secretary of ECOWAS and the Regional Director of the Programme for Coordination and Assistance for Security and Development. Subsequently, all the members of the Council and the representatives of Benin, Burkina Faso, Côte d’Ivoire, the Gambia, Liberia, Mali, the Niger, Nigeria, Senegal, Sierra Leone and Togo made statements.⁴⁶

The Secretary-General noted that the uncontrolled proliferation of small arms and light weapons and the use of mercenaries in West Africa sustained conflict, exacerbated violence, fuelled crime and terrorism, promoted cultures of violence, violated international humanitarian law and impeded political, economic and social development. Unless adequately addressed, their spread would continue to pose a severe threat to the hopes of attaining durable peace and security in the region. Fortunately, the international community and the countries concerned had the necessary tools to combat the problems, including such legal instruments and international agreements as the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, the International Convention against the Recruitment, Use, Financing and Training of Mercenaries and the ECOWAS moratorium on the importation, exportation and manufacture of small arms and light weapons in West Africa.⁴⁷

The Interim Commissioner for Peace, Security and Political Affairs of the African Union, outlining the efforts of the African States to combat the proliferation of small arms and mercenary activities, underlined that States must display sufficient political will to implement their collective decisions on small arms and endow themselves with the necessary means to implement the decisions, such as a truly independent follow-up and monitoring mechanism and appropriate

⁴⁵ For more information on the Council’s discussion concerning small arms and light weapons, see sect. 42.A of the present chapter.

⁴⁶ Angola, Guinea, Liberia, Senegal and Togo were represented by their respective Ministers for Foreign Affairs. Cameroon was represented by the Minister of State for External Relations, the Gambia by the Secretary of State for Foreign Affairs, Benin by the Minister of State for Defence, Burkina Faso by the Minister for Regional Cooperation, and Mali by the Minister of Labour and Vocational Training.

⁴⁷ S/PV.4720, pp. 2-4.