

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.

sanctions regimes against non-compliant parties. He stressed the need to tackle the underlying causes of tensions and conflicts, noting that the challenge of good governance was at the core of the quest for peace and security in Africa.⁴⁸

The representative of the Chairman of ECOWAS highlighted that the international community should be duly cognizant of the implications of the activities of individual weapons retailers. While it was worth considering revising the ECOWAS moratorium and making it a permanent instrument, sanctions ought to be applied where there were violations of the moratorium and of the relevant international legal instruments. He also drew attention to the upsurge in the activities of mercenaries and private armies that were being recruited from one conflict situation to another in West Africa.⁴⁹

The Executive Secretary of ECOWAS noted that ECOWAS remained engaged with the international community over the twin devils of small arms and mercenary activities. With regard to small arms, he appealed to the Council and the international community at large to support effective implementation of the ECOWAS moratorium and to facilitate the establishment of a well-resourced small arms unit in the ECOWAS secretariat. In regard to mercenary activities, while calling for global action to eliminate the practice, he was deeply concerned that a unique type of mercenary was emerging in West Africa, where the rebel factions had taken on the semblance of mercenaries and had shown no loyalty to any particular authority and were always available for hire.⁵⁰

The Regional Director of the Programme for Coordination and Assistance for Security and Development opined that the most important aspect of the fight against the proliferation of small arms was not only political commitment and will but also the mobilization of resources. He highlighted that the Programme, which was established to support the ECOWAS moratorium, had taken various steps to curb the flow of small arms and mercenary activities in West Africa, including by establishing a network of national commissions, strengthening border controls and training security forces, but that it lacked the necessary means to do more. Meanwhile, he stressed the

importance of addressing both the demand and supply sides of the proliferation of small arms by reducing demand through the moratorium and through stricter monitoring regimes while urging suppliers to avoid the export of weapons to conflict-torn regions.⁵¹

With regard to the proliferation of small arms and light weapons, most speakers emphasized that the current international framework, particularly the ECOWAS moratorium and the Programme of Action, must be fully implemented and further strengthened. To that end, they held that a number of steps could be taken which included the effective functioning of national commissions and the development of national laws, including those addressing the brokering of illegal arms;⁵² enhanced controls for arms exports;⁵³ end-user certificates;⁵⁴ and an international instrument for tracing illicit small arms.⁵⁵ The representative of Togo specifically called on certain members of the former Warsaw Pact to commit to a true ban on the illicit export of weapons to African countries in general and ECOWAS States in particular.⁵⁶ Speakers in general held that arms embargoes needed to be implemented more effectively. In that context, some supported the establishment of an independent monitoring mechanism on sanctions⁵⁷ and others expressed the view that those responsible for illegal small arms trade should be subject to sanctions.⁵⁸

⁵¹ *Ibid.*, pp. 9-12.

⁵² *Ibid.*, p. 17 (Cameroon); and p. 25 (United States); S/PV.4720 (Resumption 1), p. 4 (Togo); p. 6 (Russian Federation); p. 13 (France); p. 17 (Mali); p. 20 (Niger); p. 21 (China); and p. 28 (Guinea).

⁵³ S/PV.4720, p. 15 (Angola); p. 20 (United Kingdom); p. 25 (United States); and p. 27 (Germany); S/PV.4720 (Resumption 1), p. 13 (France); and p. 25 (Nigeria).

⁵⁴ S/PV.4720, p. 21 (United Kingdom); and p. 27 (Germany); S/PV.4720 (Resumption 1), p. 7 (Mexico); p. 13 (France); p. 23 (Pakistan); p. 25 (Nigeria); and p. 28 (Guinea).

⁵⁵ S/PV.4720, p. 16 (Angola); p. 21 (United Kingdom); and p. 24 (Senegal); S/PV.4720 (Resumption 1), pp. 12-13 (France); p. 22 (Sierra Leone); and p. 24 (Nigeria).

⁵⁶ S/PV.4720 (Resumption 1), p. 5.

⁵⁷ S/PV.4720, p. 17 (Cameroon); and p. 21 (United Kingdom); S/PV.4720 (Resumption 1), pp. 18-19 (Bulgaria).

⁵⁸ S/PV.4720, p. 14 (Gambia); S/PV.4720 (Resumption 1), pp. 5-6 (Russian Federation); p. 15 (Syrian Arab Republic); p. 17 (Mali); p. 21 (China); and p. 23 (Pakistan).

⁴⁸ *Ibid.*, pp. 4-5.

⁴⁹ *Ibid.*, pp. 5-6.

⁵⁰ *Ibid.*, pp. 6-8.

In addition, a number of speakers held that disarmament, demobilization and reintegration programmes should be effectively implemented so that small arms were collected or destroyed and ex-combatants would not be recruited as mercenaries to fight in new conflicts.⁵⁹ Attributing the various conflicts in West Africa to the unfinished job of disarming and reintegrating combatants following the end of the first civil war in Liberia, the representative of France stressed that the only long-term solution to the proliferation of small arms and mercenary activities entailed a real disarmament, demobilization and reintegration programme.⁶⁰

With regard to mercenary activities, a number of speakers stressed the importance of observing the spirit and the letter of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries and the Convention for the Elimination of Mercenarism in Africa adopted by the Organization of African Unity.⁶¹ The representative of the Syrian Arab Republic drew attention to the private military security companies that used well-organized small armies of mercenaries in armed conflicts in Africa to calm the situation and stated that it was wrong to think that such companies could help in managing the affairs of the countries in which they operated.⁶² Similarly, the representative of Burkina Faso was concerned that

some Governments were using mercenaries to deal with internal rebellions and crisis situations.⁶³ The representative of Benin called for a United Nations convention for dismantling the official mercenary companies and agencies specializing in the provision of military services.⁶⁴ The representative of Liberia alleged in that regard that mercenaries from a Liberian rebel group were fighting for the Government of Côte d'Ivoire to gain access to and open a second front along the Liberian-Ivorian border.⁶⁵ In protest, the representative of Côte d'Ivoire stressed that instead of fighting alongside the Ivorian national army, the Liberian mercenaries were indeed part of the aggressors against his country.⁶⁶

Finally, several speakers underlined the need to address the root causes of armed conflicts that incited demand for weapons, including poverty and bad governance,⁶⁷ while others drew special attention to the urgent issue of child soldiers in West Africa.⁶⁸

At the meeting, the President (Guinea) drew the attention of the Council to a draft resolution;⁶⁹ it was then put to the vote and adopted unanimously as resolution 1467 (2003), by which the Council decided to adopt a declaration, annexed to the resolution, on the item entitled "Proliferation of small arms and light weapons and mercenary activities: threats to peace and security in West Africa".

⁵⁹ S/PV.4720, p. 14 (Gambia); p. 16 (Angola); p. 18 (Liberia); p. 20 (Spain); p. 24 (Senegal); and p. 25 (United States); S/PV.4720 (Resumption 1), p. 3 (Togo); p. 6 (Russian Federation); p. 7 (Mexico); p. 20 (Niger); p. 21 (China); p. 22 (Sierra Leone); p. 23 (Pakistan); and p. 24 (Nigeria).

⁶⁰ S/PV.4720 (Resumption 1), p. 12.

⁶¹ S/PV.4720, p. 17 (Cameroon); and pp. 23-24 (Senegal); S/PV.4720 (Resumption 1), p. 4 (Togo); p. 5 (Russian Federation); and p. 10 (Burkina Faso).

⁶² S/PV.4720 (Resumption 1), p. 16.

⁶³ *Ibid.*, p. 10.

⁶⁴ *Ibid.*, p. 8.

⁶⁵ S/PV.4720, p. 18.

⁶⁶ S/PV.4720 (Resumption 1), pp. 26-27.

⁶⁷ S/PV.4720, p. 26 (Germany); S/PV.4720 (Resumption 1), p. 9 (Benin); p. 19 (Niger); p. 21 (China); and p. 28 (Guinea).

⁶⁸ S/PV.4720, p. 13 (Gambia); p. 20 (Spain); and p. 27 (Germany); S/PV.4720 (Resumption 1), p. 14 (Chile).

⁶⁹ S/2003/328.