

Strasbourg, 24/02/99

CAHDI (99) 12 Add
Anglais seulement

AD HOC COMMITTEE OF LEGAL ADVISERS
ON PUBLIC INTERNATIONAL LAW
(CAHDI)

17th Meeting
Vienna, Hofburg, 8-9 March 1999

DECISIONS OF THE COMMITTEE OF MINISTERS CONCERNING THE CAHDI:

RECOMMENDATION 1382 (1998) OF THE PARLIAMENTARY ASSEMBLY
ON DRAWING UP A EUROPEAN CODE OF CONDUCT ON ARMS SALES

UNITED NATIONS REFERENCE DOCUMENTS

(Source www.un.org visited on 24.02.99)

Secretariat memorandum
Prepared by the Directorate of Legal Affairs

GENERAL ASSEMBLY RESOLUTIONS AND REPORTS OF THE SECRETARY-GENERAL ON CONVENTIONAL ARMS (SMALL ARMS)

GENERAL ASSEMBLY RESOLUTIONS

- GA Resolution 43/75I (1988)

International Arms Transfers

This resolution, introduced by Colombia, was the first one adopted by the United Nations General Assembly that considered the illicit arms transfers. It stressed the negative impact of arms transfers over international peace and security and the process of social and economic development. The resolution established a set of recommendations to control the production and transport of arms, and asked member states to refrain from acquiring additional arms to those needed for legitimate national security requirements. It also called for the establishment of a system to increase transparency regarding world-wide arms transfers.

- GA Resolution 50/70 B (1995)

Small Arms

This resolution requests the Secretary General to prepare a report, with the assistance of qualified governmental experts, on: "(a) The types of small arms and light weapons actually being used in conflicts being dealt with by the United Nations; (b) The nature and causes of the excessive and destabilizing accumulation and transfer of small arms and light weapons, including their illicit production and trade; (c) The ways and means to prevent and reduce the excessive and destabilizing accumulation and transfer of small arms and light weapons, in particular as they cause or exacerbate conflict."

- GA Resolution 52/38 J (1997)

Small Arms.

By this resolution, the General Assembly welcomed the Report of the Secretary-General on Small Arms, and established further steps to be taken in the issue. It requested the Secretary-General to implement the relevant recommendations contained in the Report, and, in particular, to initiate a study on the problems of ammunition and explosives in all their aspects. Moreover, the Assembly also requested the Secretary-General to seek the views of Member States on the convening of an international conference on the illicit arms trade in all its aspects;

By operative paragraph 5, the Assembly further requested the Secretary-General to prepare a report, with the assistance of a group of governmental experts to be nominated by him in 1998 on the basis of equitable geographical representation, (a) on the progress made in the implementation of the recommendations of the report on small arms and (b) on further actions recommended to be taken, to be submitted to the General Assembly at its fifty-fourth session.

Resolutions adopted by the 53rd General Assembly on Small Arms and Illicit Traffic, 4 December 1998

- Assistance to states for curbing the illicit traffic in small arms and collecting them (Adopted on 4 December 1998 as General Assembly resolution 53/77 B, see pages 3-5)
- Small Arms (Adopted on 4 December 1998 as General Assembly resolution 53/77 E, see pages 9-11)
- Consolidation of Peace through Practical Disarmament Measures (Adopted on 4 December 1998 as General Assembly resolution 53/77 M, see pages 19-20)
- Illicit Traffic in Small Arms (Adopted on 4 December 1998 as General Assembly resolution 53/77 T, see pages 28-30)

REPORTS OF THE SECRETARY-GENERAL

- GA Document A/46/301 (1991)

Report of the Secretary-General on the ways and means of promoting transparency in international arms transfers of conventional arms.

By its resolution 43/75 I (1988), the United Nations General Assembly requested the Secretary-General to carry out, with the assistance of governmental experts, a study on ways and means of promoting transparency in international transfers of conventional arms, including information on the problem of illicit arms trade. The objective of the study was to promote transparency and encourage prudent restraint by states in their arms exports and import policies. The scope of the study was limited to transparency in international transfers of conventional arms. The Group established a set of measures and recommendations to promote transparency, at both bilateral and multilateral level.

- Sahara-Sahel Advisory Mission Report (1995)

Report to the Secretary-General

In 1994, the Secretary-General of the United Nations sent a mission to Mali and other countries of the Sahara-Sahel region, as a result of the appeal of the President of Mali for assistance in the collection of light weapons proliferating in his country. There was three major conclusion from the mission. First, that the overall security situation in the region had to be improved before any weapons collection programme could be implemented. Second, that the situation was severely affecting socio-economic development and creating a cycle leading to more illicit light weapons. And third, that the situation had to be addressed in the context of the whole region.

- GA Document A/50/60 (1995)

Supplement to an Agenda for Peace: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the UN.

Section D, on disarmament, highlights small arms and light weapons. The report introduces the term "micro-disarmament," as "practical disarmament in the context of the conflicts the United Nations is actually dealing with and of the weapons, most of them light weapons, that are actually killing people in the hundreds of thousands." The Secretary General singles out two categories of light weapons: small arms, and anti-personnel mines. Small arms are likely responsible for most of the deaths in current conflicts and are readily available. Some reasons for the current surplus of small arms, such as proxy wars of the Cold War; internal conflicts; competition for commercial markets; criminal activity or the collapse of governmental law are cited.

- GA Document A/50/391 (1995)

Report of the Secretary-General to the GA on the Advisory Board on Disarmament Matters.

Paragraphs 12-14 of this document focus on micro-disarmament. The Board identified "the need for a better understanding of the ways and means of conducting micro-disarmament in other situations where there was no formal peace settlement and perhaps no presence of the United Nations or a regional organization." Unless there are adequate levels of personal security in a country plagued by light weapons, there is little chance of a successful micro-disarmament program. The international community has an obligation to help affected countries work toward stability.

- GA Document A/50/405 (1995)

Report of the Secretary-General: Assistance to States for Curbing the Illicit Traffic in Small Arms and Collecting Them

This document reports the progress made toward curbing the illicit traffic in small arms and in collecting them. Several initiatives are outlined (e.g., the advisory mission sent to the Saharo-Sahelion region to study the problem of illicit arms trafficking). The increased recognition given to the problem of illicit small arms trafficking is praised, and the Secretary-General urges "that the momentum of effort among Member States to take practical steps" to achieve total and complete disarmament.

- GA Document A/51/42 (1996)

Report of the Disarmament Commission.

Annex I of this document is entitled "Guidelines for International Arms Transfers" in the context of General Assembly resolution 46/36H (of 6 December 1991). Concern is expressed about the problem of illicit arms trafficking, defined as "international trade in conventional arms which is contrary to the laws of states and/or international law." Suggestions are made for actions to be taken by each UN member state at the national, international and institutional level.

In the section on national efforts, special mention is made of the destructive nature of small arms and light weapons and their negative influence on regional and international peace and security, and on national security. To combat the problem of illicit arms trafficking, it is suggested different initiatives to be undertaken by each state and at international level.

- GA Document A/52/289 (1997)

Report of the Secretary-General: Consolidation of peace through practical disarmament measures.

In his report, the Secretary-General noted that in the light of experience gained by the United Nations through efforts at conflict resolution, consideration should be given to incremental steps leading to a more integrated approach to practical disarmament measures, particularly in post-conflict situations. Among such steps, there is a mention of the need to include weapons-related issues as an integral part of peace accords where the United Nations is involved in bringing an end to armed conflicts and in consolidating the peace process to prevent their reemergence, or the encouragement of greater transparency in military matters and seek wider adherence to tools of confidence-building, such as periodical reporting of military expenditures and establishment of registers for specific categories of conventional armaments.

- GA Document A/52/298 (1997)

Report of the Secretary-General: Small Arms.

By its resolution 50/70 B of 12 December 1995 the General Assembly requested the Secretary-General to prepare a report on small arms, with the assistance of a 16 member panel of governmental experts.

The report was prepared between 24 June 1996 and 18 July 1997. During that period, the Panel held three sessions in New York: the first from 24 to 28 June 1996, the second from 21 to 31 January 1997 and the third from 7 to 18 July 1997. The Panel also met in Tokyo, from 26 to 28 May 1997, at the invitation of the Government of Japan. Moreover, the Panel also held 3 regional workshops in Pretoria, San Salvador and Kathmandu. The purpose of these workshops was to enable the Panel to acquire a better understanding of the specific concerns of regions more severely affected by the phenomenon of small arms. The report (A/52/298) sets a series of recommendations to reduce the excessive and destabilizing accumulation and transfer of small arms and light weapons in specific regions of the world where such accumulations and transfers have already taken place, and also sets a series of measures to prevent such accumulations and transfers from occurring in the future.

- GA Document A/53/42 (1998)

Report of the Disarmament Commission.

Annex IV of this document (page 24 in PDF format) is a paper presented by the Chairman (of 24 April 1998) entitled "Guidelines on conventional arms control/limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N". The document is divided into an Introduction and General Framework, Principles and Practical Disarmament Measures, and Other conventional arms control/limitation and disarmament measures for the consolidation of peace.

- GA Document A/53/169 (1998) and Add.1; Add.2; Add.3 Add.4

Report of the Secretary-General: Small Arms.

By paragraph 4 of its resolution 52/38 J of 9 December 1997, the General Assembly requested the Secretary-General to seek the views of Member States on the Secretary-General's Report on Small Arms (A/52/298) and on the steps that they had taken to implement its recommendations, and, in particular, to seek their views on the recommendation concerning the convening of an international conference on the illicit arms trade in all its aspects in time for consideration by the General Assembly at its fifty-third session. Pursuant to the request contained in paragraph 4 of the resolution, a note verbale was sent on 15 April 1998 to all Member States inviting them to provide information on the subject. To date replies have been received from Belarus, Canada, China, Colombia, Côte d'Ivoire, Israel, Jordan, New Zealand, Poland, the Republic of Korea, the Russian Federation, San Marino, Singapore, Turkey, the United Kingdom of Great Britain and Northern Ireland (on behalf of the States Members of the United Nations that are members of the European Union) and the United States of America. These are reproduced in document A/53/169.

- Document A/53/169/Add.1 (1998) contains the views of the Government of Japan.
- Document A/53/169/Add.2 (1998) contains the views of the Governments of Brazil, Bulgaria, and Mexico.
- Document A/53/169/Add.3 (1998) contains the views of the Government of South Africa.
- Document A/53/169/Add.4 (1999) contains the views of the Government of Cuba.
- GA Document A/53/207 (1998)

Report of the Secretary-General: Assistance to States for Curbing the Illicit Traffic in Small Arms and Collecting Them.

In its resolution 52/38 C of 9 December 1997, the General Assembly requested the Secretary-General to continue to examine the issue of assistance to States for curbing the illicit traffic in small arms and collecting them. In the same resolution, the Secretary-General was also encouraged to continue his efforts, in the context of the implementation of resolution 49/75 G of 15 December 1994 and of the recommendations of the United Nations advisory missions, to curb the illicit circulation of small arms and to collect such arms in the affected States that request it. The Assembly also requested the Secretary-General to submit a report to it at its fifty-third session. In his report, the Secretary-General highlights a number of initiatives, including the moratorium on light weapons in West Africa, the work of one of the thematic subgroups of the ad hoc Working Group of the Council on the Secretary-General's Report on Africa, the requests by the Governments of Albania and Niger for assistance in the collection of weapons, the proposed international conference on the illicit arms trade, the efforts of the Commission on Crime Prevention and Criminal Justice and the OAS.



19 February 1999

**Press Release
DC/2627**

**GROUP OF GOVERNMENTAL EXPERTS ON SMALL ARMS TO HOLD SECOND
SESSION FROM 22 TO 26 FEBRUARY**

19990219

(Reissued as received.)

GENEVA, 19 February (UN Information Service) -- The Group of Governmental Experts on Small Arms, comprising representatives of 23 Member States, will hold its second session from 22 to 26 February at the Palais des Nations.

During its week-long deliberations, the Group will review several chapters of its draft report, including those dealing with progress made in the implementation of the recommendations of the Secretary-General's August 1997 Report on Small Arms (A/52/298), prepared with the assistance of the United Nations Panel of Governmental Experts on Small Arms, and particularly the Panel's recommendation on the convening of an international conference on the illicit arms trade in all its aspects. The Group will also consider further recommendations to be taken up. On the second day of its discussions the Group is expected to be briefed by a representative of a United Nations technical study group on ammunition and explosives, which will submit a separate report to the Assembly. The Group will convene its third and final session in New York from 26 to 30 July prior to submitting its final report to the General Assembly in the fall.

The 23 experts of the Group are meeting in Geneva amidst heightened international interest in the wide-ranging problems posed by small arms. During its last session, the General Assembly adopted an unprecedented four resolutions dealing with small arms, three of which by consensus. The primary focus of the adopted texts was the illicit trade in small arms which appears to be the focus of a growing consensus among Member States. A resolution sponsored by Mali (53/77 B) encouraged the Secretary-General to continue his efforts to curb the illicit circulation of small arms and to collect such arms in affected States, while a German-sponsored resolution (53/77 M) on practical disarmament measures encouraged Member States and the Group of Interested States to support the Secretary-General in responding to requests for the collection and destruction of small arms.

Since its establishment in March 1998, the Group of Interested States, chaired by Germany, has provided financial and political support for a number of practical disarmament projects in collaboration with the Department for Disarmament Affairs, such as a workshop in Guatemala City in November 1998 on weapons collection and integration of former combatants into civil society, and a weapons collection project underway in the Gramsh district of Albania in which weapons are voluntarily surrendered in exchange for community development incentives.

In a resolution sponsored by Japan (53/77 E), the Assembly decided to convene an international conference on the illicit arms trade in all its aspects no later than 2001 and also requested the Secretary-General to initiate a study as soon as possible on the feasibility of restricting the manufacture and trade of such weapons to the manufacturers and dealers authorized by States. A South African-sponsored resolution (53/77 T) requested the

Secretary-General to hold broad-based consultations on the magnitude and scope of the phenomenon of illicit trafficking in small arms.

In another unprecedented development, the Security Council, which has seen progress reversed in a number of its peace operations, due in part to the easy availability and misuse of small arms, became seized of the matter in the context of the implementation of the Secretary-General's Report on Africa. Last November the Council adopted its first-ever resolution on illicit arms flows (1209), encouraging the Secretary-General to explore means of identifying international arms dealers acting in contravention of national legislation or embargoes established by the United Nations on arms transfers to and in Africa.

The Secretary-General recently designated the Department for Disarmament Affairs as the focal point to coordinate all action on small arms within the United Nations system. The Department subsequently established the "Coordinating Action on Small Arms" (CASA) mechanism within which the Department of Public Information is producing a UNTV documentary film on small arms and UNICEF is developing an exhibit on small arms and children. The United Nations Development Programme is also collaborating on the ground in the Albania weapons collection project while the Office for the Coordination of Humanitarian Affairs is developing a humanitarian strategy on small arms within a reference group established by the Working Group of the Inter-Agency Standing Committee (IASC).

Complementing the ongoing efforts in the United Nations system, Member States such as Belgium, Canada, Germany, Japan, Mali, Mexico, Norway, South Africa and Switzerland, together with regional bodies such as the Organization of American States, the European Union, the Organization of African Unity and the Economic Community of West African States, are playing an active role in the small arms issue. From 18 to 20 February, the Government of Switzerland is convening a workshop in Geneva for the members of the Group of Governmental Experts on such issues as the marking of small arms and key elements of a possible international action plan to address the problems associated with small arms. Switzerland has offered to host the international conference on the illicit arms trade in Geneva.

From 11 to 12 March, the Ministry for Foreign Affairs and National Defence College of Sweden will host a seminar on the removal of small arms in the context of peace missions. From 17 to 20 May, the Government of Japan will invite the members of the Group of Governmental Experts to Tokyo for an intersessional meeting. Many non-governmental groups with a wide range of concerns (including development, peace and disarmament, crime, humanitarian and human rights issues) are supporting or taking initiatives on small arms -- at local, national, regional and international levels. The "International Action Network on Small Arms" (IANSA) has recently been established, involving over 200 non-governmental organizations from all regions of the world, to promote awareness and action on small arms and on tackling problems associated with them.

The Group of Governmental Experts on Small Arms derives its mandate on Small from General Assembly resolution 52/38 J of 9 December 1997, which requested the Secretary-General to prepare, with the assistance of a group of governmental experts, a report on the progress made in the implementation of the recommendations on reduction and prevention measures identified in his Report on Small Arms (A/52/298) and further actions recommended to be taken. In April 1998, the Secretary-General appointed experts from 23 countries including, for the first time, the five permanent members of the Security Council, to participate in the Group. Algeria, Belarus, Belgium, Brazil, Bulgaria, Canada, China, Colombia, Egypt, Finland, France, Germany, Iran, Japan, Mexico, Mozambique, Russian Federation, Singapore, South Africa, Sri Lanka, Sweden, United Kingdom and the United States are represented. The Group held its first session in New York from 26 to 29 May 1998 and reconvened in Tokyo from 7 to 9 September 1998 in an intersessional meeting.

In pursuance of Assembly resolution 53/77 E, the Group has also been mandated to assist the Secretary-General in preparing a report containing his recommendations on the

objective, scope, agenda, dates, venue and preparatory committee of an international conference on the illicit arms trade in all its aspects.

When the General Assembly overwhelmingly voted to establish the Panel of Governmental Experts to study the issue in 1996, small arms were thought to be essentially a disarmament and security problem. In the Secretary-General's far-reaching Report on Small Arms, however, the Panel found that virtually every part of the United Nations system was dealing in one way or another with the consequences of the armed conflicts, insecurity, violence, crime and displaced peoples that are directly or indirectly associated with the wide availability and use of small arms. While their accumulation does not itself cause the conflicts in which they are used, the widespread availability of small arms contributes towards exacerbating conflicts by increasing their lethality and duration and by provoking a vicious circle of insecurity which, in turn, leads to a greater demand for and use of these weapons. In short, it was found that the excessive and destabilising accumulation and transfer of small arms has far-reaching disarmament, humanitarian, human rights, security and development implications. The Report's impact acted as a catalyst to place the issue of small arms firmly on the international agenda, and the United Nations has continued to encourage and support all efforts to address the wide-ranging problems posed by small arms.

The main focus of the former Panel and the current Group of Governmental Experts has been small arms and light weapons manufactured to military specifications which are actually being used in conflicts dealt with by the United Nations. By maintaining this approach, the Group aims to avoid overlap with the ongoing negotiations of a Vienna-based ad hoc committee within the Economic and Social Council which is discussing the elaboration of an international instrument combatting the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, in the context of the elaboration of a comprehensive international convention against transnational organized crime.

Swadesh Rana, Chief of the Conventional Arms Branch of the Department for Disarmament Affairs in New York, will deliver a press briefing at the Palais des Nations on the opening day of the Second Session, 22 February, at noon. She will provide an overview of various United Nations initiatives in the area of small arms. Mitsuro Donowaki, Special Assistant to the Minister of Foreign Affairs of Japan and Chairman of the Group of Governmental Experts on Small Arms, will deliver a briefing summing up the Group's deliberations on the last day of the Second Session, 26 February, at noon, at the Palais.

Those seeking further information on small arms may wish to refer to the web page of the Conventional Arms Branch, Department for Disarmament Affairs, New York (<http://www.un.org/Depts/dda/CAB/index.htm>).