



# General Assembly

Distr.: General  
24 September 1999

Original: English

## Fifty-fourth session

Agenda item 76 (o)

### General and complete disarmament: Illicit traffic in small arms

## Small arms

### Report of the Secretary-General

## Contents

|   | <i>Paragraphs</i> | <i>Page</i> |
|---|-------------------|-------------|
| I. Introduction .....   | 1–9               | 3           |
| II. Magnitude and scope of the phenomenon of illicit trafficking in small arms ..   | 10–26             | 4           |
| III. Possible measures for combating illicit trafficking in and illicit circulation of small arms, including those suited to indigenous regional approaches ..... | 27–43             | 7           |
| IV. Role of the United Nations in collecting, collating, sharing and disseminating information on illicit trafficking in small arms .....                         | 44–54             | 10          |
| V. Observations .....   | 55–57             | 11          |

## Annexes

|  |  |    |
|--|--|----|
| I. Replies received from Governments   |  |    |
| Antigua and Barbuda .....  |  | 15 |
| Bulgaria .....   |  | 15 |
| Canada .....   |  | 18 |
| Colombia .....   |  | 19 |
| Cuba .....   |  | 21 |
| Finland (on behalf of the States Members of the United Nations that are members of the European Union) ..... |  | 23 |
| Kyrgyzstan .....   |  | 25 |
| Singapore .....  |  | 26 |

|  |    |
|--|----|
| South Africa .....   | 26 |
| Uruguay .....  | 30 |
| II. Questionnaire prepared by the Department for Disarmament Affairs for the United Nations regional workshops in Lima, Peru, and Lomé, Togo ..... | 31 |

## I. Introduction

1. By its resolution 53/77 T of 4 December 1998, the General Assembly requested the Secretary-General to hold broad-based consultations with all Member States, interested regional and subregional organizations, international agencies, and experts in the field on:

(a) The magnitude and scope of the phenomenon of illicit trafficking in small arms;

(b) Possible measures to combat illicit trafficking in and illicit circulation of small arms, including those suited to indigenous regional approaches;

(c) The role of the United Nations in collecting, collating, sharing and disseminating information on illicit trafficking in small arms.

2. The General Assembly asked that the consultations take into account the ongoing work of the Group of Governmental Experts on Small Arms. The Group, mandated by the General Assembly, in pursuance of resolution 52/38 J of 9 December 1997, to review the progress made in implementing the recommendations of the Panel of Governmental Experts on Small Arms and to make further recommendations, completed its report in late July 1999 (A/54/258).

3. Pursuant to the request that the Secretary-General hold broad-based consultations on the issue of illicit trafficking in small arms,<sup>1</sup> all Member States were invited to communicate their views on the three issues outlined in paragraph 1 of resolution 53/77 T (see annex I below for their replies).<sup>2</sup> The Department for Disarmament Affairs, United Nations Secretariat, also invited regional groups and organizations,<sup>3</sup> and research institutes and non-governmental organizations<sup>4</sup> to submit their views. Further, representatives of the Department for Disarmament Affairs consulted with other groups and organizations known to have an interest in issues related to illicit trafficking in small arms<sup>5</sup> and participated in relevant seminars and workshops.<sup>6</sup>

4. In addition to the general consultations, two United Nations regional workshops were held in areas affected by the excessive and destabilizing accumulation of small arms and light weapons. The workshops were not intended to develop or identify consensus among their participants or to provide a definitive picture of the problems posed by the illicit trafficking of small arms in those regions. Rather, they were planned as opportunities for building better understanding of the illicit small arms trafficking issue through information-sharing.

5. The first workshop was held in Lima, Peru, from 23 to 25 June 1999, and focused on illicit trafficking issues in the Latin American and Caribbean region.<sup>7</sup> It was organized by the Department for Disarmament Affairs and the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, based in Lima.<sup>8</sup> Delegations and representatives from Antigua and Barbuda, Argentina, Austria, Bolivia, Brazil, Canada, Chile, Colombia, Cuba, Ecuador, El Salvador, Finland, Germany, Guatemala, Haiti, Italy, Jamaica, Japan, Mexico, Netherlands (and Netherlands Antilles), Paraguay, Portugal, Spain, Switzerland, Trinidad and Tobago, Peru, and Uruguay participated in the discussions, together with representatives of the Caribbean Community (CARICOM) secretariat and the Organization of American States (OAS) secretariat. The workshop also benefited from the participation of representatives of the Centre for Defence Studies (United Kingdom of Great Britain and Northern Ireland), the International Criminal Police Organization (INTERPOL), Organismo para la Proscripción de Armas Nucleares en la América Latina y el Caribe (OPANAL), United Nations International Drug Control Programme, United Nations Development Programme (UNDP) and the United Nations Information Office/Lima.

6. The second workshop,<sup>9</sup> held from 2 to 4 August 1999 in Lomé, Togo, was organized by the Department for Disarmament Affairs and the United Nations Regional Centre for Peace and Disarmament in Africa, headquartered in Lomé.<sup>10</sup> The workshop focused on illicit trafficking issues from the African perspective. Delegations from Algeria, Benin, Burkina Faso, Cameroon, Congo, Democratic Republic of the Congo, Egypt, Gabon, Gambia, Ghana, Kenya, Liberia, Mali, Namibia, Niger, Nigeria, South Africa, Sudan, Togo, Uganda, the United Kingdom of Great Britain and Northern Ireland, and Zambia participated in the workshop as well as representatives of several regional organizations — the Southern Africa Development Community (SADC) secretariat, and the Economic Community of East African States (ECCAS). Representatives of the United Nations Children's Fund (UNICEF), the United Nations Institute for Disarmament Research (UNIDIR), INTERPOL's Southern Africa Bureau at Harare, Zimbabwe, and the Department of Peacekeeping Operations, United Nations Secretariat, also participated, as did representatives of several non-governmental organizations — the British-American Security Information Council (BASIC, London/Washington, D.C.), the Centre for Democratic Empowerment (Monrovia, Liberia), Femme et Famille (Niamey, Niger), International

Alert (London), and the Institute for Security Studies (Pretoria, South Africa).<sup>11</sup>

7. Prior to the workshops, the Department for Disarmament Affairs distributed a questionnaire to prospective participants, including representatives of regional organizations and non-governmental organizations (see annex II).<sup>12</sup>

8. The following are a number of other recent United Nations reports relevant to the issues that are the subjects of consultations on illicit traffic in small arms:

(a) "Report of a consultative meeting of experts on the feasibility of undertaking a study for restricting the manufacture and trade of small arms to manufacturers and dealers authorized by States" (A/54/160, of 6 July 1999);

(b) "Report of the Group of Experts on the problem of ammunition and explosives" (A/54/155, of 29 June 1999);

(c) "Assistance to States for curbing the illicit traffic in small arms and collecting them" (A/54/309, of 3 September 1999);

(d) Reports of the Chairman of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola, on the implementation of the sanctions imposed against the União Nacional para a Independência Total de Angola (UNITA) (S/1999/644, annex, of 4 June 1999; S/1999/829, annex, of 28 July 1999);

(e) *Report of the Disarmament Commission*, annex III. 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 (A/54/42, of 6 May 1999).

9. By resolution 53/111 of 9 December 1998, the General Assembly established an ad hoc committee open to all States to elaborate an international convention against transnational organized crime. The ongoing negotiations at the United Nations Office at Vienna to elaborate a revised draft protocol against the illicit manufacturing of and trafficking in firearms, ammunition and other related materials, supplementary to the United Nations Convention against Transnational Organized Crime, are of immediate relevance to these consultations and small arms issues generally.<sup>13</sup> The intergovernmental ad hoc committee plans to conclude those negotiations in the year 2000.

## II. Magnitude and scope of the phenomenon of illicit trafficking in small arms

10. The first issue addressed in the consultations was the magnitude and scope of illicit small arms trafficking. Although the consultations revealed that it was difficult to obtain reliable information, the participants<sup>14</sup> did identify a number of factors that shed some light on the dimension and character of illicit small arms trafficking.

### Quantity

11. The consultations demonstrated that it is difficult to quantify small arms trafficking. Some of the participants were able to provide national statistics about weapons that had been confiscated or reported stolen or about weapons recovered in mop-up operations, through demobilization programmes or during collection campaigns. They were, however, not able to provide reliable data on the quantity of small arms involved in illicit trafficking within a State, a region or globally, although some offered data of an illustrative nature.<sup>15</sup>

12. Quantifying the illicit trade in small arms and light weapons is difficult, because the activity is by nature clandestine and outside the law. In addition, while various reporting mechanisms have been established with respect to the legal trade of major conventional weapons, notably the United Nations Register of Conventional Arms, no such mechanisms have been created which cover the legal trade of small arms. Further, data sources such as statistics and reports about seized and surrendered small arms are not readily available, especially for the States most affected by illicit trafficking in small arms. Finally, while military, security and police intelligence sources in some States and subregions have begun to develop a capacity to gather and analyse information relevant to illicit small arms trafficking, the resulting information is largely operational in orientation and routinely designated as protected material and thus not easily shared.

13. In these circumstances, the national and international authorities and organizations dealing with small arms trafficking issues are largely dependent on information of an informal, unofficial nature drawn from media reports and articles, reports from humanitarian aid officials, and police and intelligence sources. Recognizing these limitations, the participants in the consultations generally agreed that the best efforts to measure the global volume of the illicit trade in small arms would only produce crude estimates. While reliable estimates would help

Governments and international organizations working to prevent conflicts from occurring or intensifying, for the present it is evident that there is a ready supply of small arms available to armed groups, criminal organizations and individuals willing to engage in illicit transactions. In this regard it is useful to recall the observation of the Panel of Governmental Experts in the 1997 report of the Secretary-General on small arms:

The terms “excessive” and “destabilizing” are relative and exist only in the context of specific regions, subregions or States. The mere accumulation of weapons is not a sufficient criterion by which to define an accumulation of weapons as excessive or destabilizing, since large numbers of weapons that are under the strict and effective control of a responsible State do not necessarily lead to violence. Conversely, a small number of weapons can be destabilizing under certain conditions.<sup>16</sup>

#### **Size and methods of illicit transactions**

14. The volume of small arms involved in individual illicit transfers, as revealed by reports of intercepted and seized shipments, varies considerably from region to region and within regions. In most States, authorities report that the majority of the attempts to import or traffic weapons illegally involve only a small number of items, perhaps only one or two guns. In such cases, the traffickers are taking advantage of the ease of concealing such weapons in commercial and private vehicles or inside legitimately exported goods. While this is the dominant pattern of small arms trafficking for many countries participating in the consultations, it is not the only one. Much larger shipments and more complex transactions using transport trucks and cargo planes to supply armed groups and transnational criminal organizations have been reported in some subregions.<sup>17</sup>

#### **Sources of illicit arms**

15. The consultations suggest that the majority of the small arms used in recent conflicts or contributing to post-conflict violence have been recycled from earlier conflicts or stolen or sold from military and security force arsenals during periods of governmental instability or collapse. These weapons flow rapidly to other conflicts or to criminal organizations or are cached for future use. Sizeable quantities of weapons have also been distributed by some Governments to their populations. There are also reports that a significant number of small arms are stolen from legitimate owners including individuals, businesses,

police and military installations and other governmental agencies. The potential magnitude of this phenomenon is illustrated by the experience of South Africa where some 60,000 firearms were reported stolen and another 7,000 lost in the period 1995-1997. Less than 50 per cent of the firearms were subsequently recovered.<sup>18</sup> Because recycled and stolen weapons are removed from any form of state control, police, peacekeepers and other authorities cannot easily identify their most immediate origins or trace their chain of possession. Nevertheless, observers believe that most of the used and stolen weapons are recycled within subregions and regions, although there is sound evidence of illicit trafficking in recycled weapons between regions.<sup>19</sup>

16. The apparent prevalence of recycled and stolen small arms does not diminish the significance of newly manufactured weapons as a source of supply for armed groups, criminals and others. Intelligence sources and reports of seized and confiscated weapons indicate that small and large lots of small arms are commonly diverted from legitimate commercial sources through unauthorized and illegal sales, theft, fraud and official corruption. In some countries and subregions, police authorities report that handguns destined for criminals and others in urban areas are the most common small arms involved in the illicit trade of new weapons.

17. The information gathered in the consultations suggests that illegally manufactured and modified weapons, including explosive devices, made by skilled personnel, do contribute to conflicts and organized criminal activities in some localities. Most of the reports of illegally manufactured or modified weapons seized by police, however, concern fairly crude homemade items such as “zip guns” and “sawed-off” rifles that, while lethal in specific criminal incidents, do not appear to contribute to excessive accumulations of small arms.

#### **Suppliers**

18. The profiles of those involved as suppliers in illicit small arms trafficking vary with the nature of the transactions involved. The larger and most significant transactions — those supplying major criminal organizations and armed groups — may involve many culpable actors. The delivery of several hundred weapons and related munitions through illicit channels may involve brokers, a number of suppliers, financial or transportation services, and the resources to obtain or falsify documents. It is believed that the traffickers directly involved in these transactions are increasingly other armed groups, mercenaries, criminal organizations and corrupt governmental and business officials. Although some of

these actors may be motivated by ideological interests or group affiliation, financial gain is likely the most common motivation.

19. Individuals ranging from common criminals to former combatants who may only infrequently deal in weapons also sustain the illicit movement of small arms. The information obtained during the consultations indicates that these individuals tend to act alone or in small groups, without outside financial or transportation resources. In many regions the most common small arms suppliers of this type are petty criminals trading in stolen and diverted weapons simultaneously with other criminal activities. In conflict, post-conflict and politically unstable environments, combatants, former combatants and others are reported to trade in small arms for sustenance, status, or self-protection.

#### **Financing illicit purchases**

20. In the past, States were the principle source of the weapons supplied to armed groups. While state sponsorship of such groups continues, it is not as common.<sup>20</sup> The consultations reveal that armed groups increasingly depend on criminal activity to finance illicit weapon purchases. The criminal acts involved include kidnapping, extortion, banditry, commodities/contraband smuggling, illegal trade in precious stones, the illegal diversion of oil and other resources, and drug production and trafficking.<sup>21</sup> In these circumstances, the armed groups may become partners with or rivals of criminal organizations that are also dependent on the proceeds of crime to purchase arms. These activities seriously damage local and national economies, weaken state institutions and threaten public safety and security in the areas directly affected and beyond.

21. Some armed groups also obtain financing through funds raised from individuals, including refugees and nationals living abroad, who have common ideological or ethnic affiliations with the combatants. This financial support may be given without the knowledge that it will support arms purchases, illicit or otherwise.

#### **Clients**

22. The consultations identified the following categories of "clients" of illicit small arms trafficking: armed groups; criminal organizations; terrorists; individual criminals; private security services; mercenaries;<sup>22</sup> and, private citizens. Armed groups, criminals and mercenaries have long been identified as important clients in illicit small arms transactions and, according to the consultations, remain the major concern in all regions. At the same time,

many participants expressed concerns about the widespread demand among otherwise law-abiding individuals for weapons, even illegal weapons, for self-protection. This phenomenon is, of course, seen in conflict and post-conflict situations and in States that have distributed weapons to the general population during or in anticipation of conflicts. It also occurs in States that are experiencing political instability and/or economic distress that has significantly reduced the capacity or credibility of state institutions. On a related point, the consultations revealed a growing concern about the role of private security forces and services and their potential to, among other things, contribute to small arms trafficking and excessive accumulations of small arms, both as suppliers and clients. Further, the consultations suggested that reliance on private security services, whether by Governments or citizens, aggravates tensions between civil society and the State and deepens distrust.

#### **Types of weapons**

23. The consultations suggest that handguns, assault rifles, light machine-guns and sub-machine-guns are among the most common items involved in the illegal movement and misuse of small arms. Illicit transfers of light weapons, including anti-tank, anti-aircraft and crew-serviced weapons, are less common and tend to be concentrated in areas of emerging or sustained internal conflicts. There are, however, reports of criminal organizations, particularly in drug-producing regions in South America and South-East Asia, obtaining such weapons to protect their operations from enforcement agencies and rivals. There is also a continuing concern about terrorist use of these types of light weapons.<sup>23</sup>

#### **Consequences**

24. It is widely recognized that the small arms trafficking that supplies weapons to armed groups contributes to the intensity and duration of conflicts. Further, the widespread availability of small arms can frustrate efforts to bring about a cessation in fighting, establish the conditions for peace and implement peace agreements. The participants in the consultations described the magnitude of the human cost that resulted from such conflicts. Many of them made specific reference to the small arms-related injuries and death suffered by civilians as a result of military engagements and the abuse of small arms in post-conflict environments.<sup>24</sup> It was also reported that conflicts, pursued and sustained by the widespread availability of small arms, were having a devastating impact on children, not only as

victims of conflict but increasingly as willing and unwilling combatants — child soldiers.<sup>25</sup>

25. The consultations highlighted that excessive accumulations of small arms contributed to increased criminal activity and even outright lawlessness in some areas. In addition to its human and structural costs and lost development opportunities, criminal activity contributed to general conditions of insecurity within civil society and to tensions between Governments and citizens in regions experiencing political and economic instability. The eradication of illicit small arms trafficking would not remedy the underlying political, economic, or social conditions that sustained the conflicts, criminality and tensions. It could, however, greatly reduce the risk that political, economic and social stability would be overwhelmed by easy and rapid recourse to weapons and a resulting upsurge in violence.

26. In summary, the consultations revealed that reliable data that could help quantify the magnitude and scope of illicit small arms trafficking were not available, a fact which underlined the need to devote resources to the collection of reliable data as an initial step in addressing the issue. The consultations did confirm, however, that the vast majority of States that participated suffered from the easy availability of small arms obtained through illicit trafficking. The characteristics and urgency of the trafficking problems faced by States and subregions, however, varied. States affected by the transit of weapons, for example, faced challenges different from those faced by States beset by rebellions, terrorist movements or criminal organizations. As efforts to combat illicit trafficking progressed, those considerations would have to be taken into account in data collection, research and consultation.

### **III. Possible measures for combating illicit trafficking in and illicit circulation of small arms, including those suited to indigenous regional approaches**

27. As proposed in subparagraph 1 (b) of resolution 53/77 T, the participants in the consultations identified and elaborated measures against small arms trafficking that had been implemented locally, by national Governments, and through bilateral, subregional, regional, or international arrangements.<sup>26</sup> They also advanced proposals for further consideration.

#### **National measures**

28. The consultations reaffirmed that appropriate national policies and programmes are integral if not prerequisites to effective action against illicit small arms trafficking. The measures described or proposed include laws and regulations governing the manufacture, sale, possession and ownership of firearms and small arms, databases and registers of the small arms in the possession of citizens and in state inventories, enhanced and specialized police and border control services, weapons collection and destruction programmes, measures to secure arms warehouses and storage facilities against theft and diversion by fraud, small arms moratoria, public education and awareness programmes, import-export controls, and trade policies to promote restraint in the transfer of small arms.

29. The consultations, especially the regional workshops, highlighted the ongoing need for States to exchange information about effective national measures, recognizing that solutions must be appropriate to the problems as they are experienced by individual States and crafted to accommodate its cultural, political, security and economic circumstances. It was also observed that the capacity of Member States to develop and implement national programmes varies considerably within and across regions. States beset by sustained conflicts, political instability, and economic distress are often caught in the paradox of facing an urgent need to combat small arms trafficking while lacking the political, economic and technical resources to do so. Accordingly, participants in the consultations emphasized the need in many cases for technical and financial assistance from and through appropriate international and regional bodies.

#### **Weapons collection and destruction**

30. The consultations identified and discussed small arms collections and destruction programmes and policies of at least three kinds: collection and destruction efforts responding to post-conflict situations;<sup>27</sup> general collection and destruction of small arms; and destruction of surplus stocks. The participants saw weapons collection and destruction measures in post-conflict situations as essential components of the implementation of peace agreements; disarmament, demobilization and reintegration (DDR) programmes and long-term peace-building. For that reason, it was noted that collection and destruction programmes should be incorporated into all peace agreements and their effective and credible implementation should be a priority for the United Nations and other

participants in peacekeeping operations. The consultations suggest that some small arms collection/destruction plans and other DDR activities have not been as successful as hoped. Participants therefore urged greater efforts to design and test weapons collection and destruction strategies and the continuation of relevant “lessons learned” exercises undertaken by Department of Peacekeeping Operations, United Nations Secretariat.<sup>28</sup>

31. States other than those in post-conflict situations are pursuing or considering general collection and destruction programmes to reduce or prevent accumulations of legally and illegally held small arms that threaten public safety and security.<sup>29</sup> As with the programmes developed for post-conflict situations, the participants in the consultations saw a need for evaluations of current strategies and testing of new ideas for collection programmes.

32. It was noted in the consultations that the descriptions and identifying markings of confiscated, recovered and collected small arms were not routinely recorded, although such information would be valuable from two perspectives. First, a database of such information could help national, regional and international organizations begin to develop a more reliable profile of illicit trafficking, including sources of supply and interregional links. Secondly, past experience had shown that small arms confiscated, collected, and recovered did re-enter the illicit weapons market. Detailed records would help combat that type of criminal activity and reinforce the importance of secure storage and controls. It is relevant to note that the Group of Governmental Experts on Small Arms recommended in its report that the United Nations should, at an appropriate time, initiate its own study on the feasibility of establishing reliable and cost-effective ways of marking all small arms and light weapons.<sup>30</sup>

33. While many States have policies on the destruction of confiscated and collected weapons, the consultations indicated that the destruction of surplus small arms as advocated by the Panel of Governmental Experts on Small Arms and reinforced by the Group of Governmental Experts on Small Arms<sup>31</sup> was still uncommon. In that regard, it was noted that South Africa had announced plans to proceed with the destruction of surplus small arms held by its armed forces and other governmental institutions.<sup>32</sup> Other countries such as Cambodia, the Netherlands and Sweden had also destroyed small arms.

#### **Education and confidence-building**

34. The consultations gathered information about and proposals for education, public information programmes

and other community development strategies to heighten awareness about the importance of measures to combat illicit trafficking and the proliferation of illegal weapon ownership among citizens. Participants in the workshops noted that those and other efforts were needed to build public confidence in governmental institutions, especially law enforcement agencies, and to promote values consistent with the sustained development of a “culture of peace.” Those goals, it was proposed, would be best served by allowing and encouraging the active participation of civil society, including community groups, faith-based organizations, local leaders and non-governmental organizations, and especially women and women’s organizations.

#### **Bilateral and subregional cooperation**

35. During the consultations, contributors described promising bilateral and multilateral initiatives to combat small arms trafficking. Examples of bilateral measures included the discussion between Mexico and the United States to establish protocols for cooperation in combating small arms smuggling, the authorization by Antigua and Barbuda to neighbouring States to act in “hot pursuit” situations, continuing joint operations by Mozambique and South Africa to locate and destroy weapons caches,<sup>33</sup> and the development of cooperative security measures by Argentina and Chile. The success of such undertakings is attributed to the direct participation of law enforcement, defence, and border control authorities from the participating States in all stages of planning and operation. This level of involvement, among other things, builds trust and facilitates effective information sharing and expanded cooperation among neighbouring States. The States of the Mercado Comun del Sur (MERCOSUR) — Argentina, Brazil, Paraguay and Uruguay — together with Chile and Bolivia, for example, have agreed to cooperate on a number of fronts, including the creation of a joint register of buyers and sellers of firearms, explosives, ammunition and related materials. In May 1999, senior representatives of police and security intelligence agencies and ministries of foreign affairs from these same States met in a workshop on small arms and regional security. The event, organized by the State Secretariat of Intelligence and the Ministry of Foreign Affairs of Argentina, in consultation with the Department for Disarmament Affairs, concluded, among other things, that there was need for regional action to deal simultaneously with the security and social development issues surrounding small arms proliferation.<sup>34</sup> In another example, the member States of the Southern African Development Community (SADC)<sup>35</sup> and the Southern



African Regional Police Chiefs Cooperation Organisation (SARPCCO) have taken steps to expand operational cooperation and information-sharing in relation to small arms controls and trafficking.<sup>36</sup>

### **Regional import/export controls**

36. Recognizing that the diversion of weapon shipments is one source of illicit supplies and that traffickers successfully use fraudulent documentation to move weapons, many participants in the consultations proposed actions to strengthen import/export controls. The most widely discussed initiatives were the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials (hereafter referred to as the OAS Convention),<sup>37</sup> and the draft protocol against the illicit manufacturing of and trafficking in firearms, ammunition and other related materials, supplementary to the draft convention against transnational organized crime (hereafter referred to as the firearms protocol).<sup>38</sup>

37. Like the OAS Convention, the firearms protocol seeks to establish standards for the management of international trade in small arms to combat illicit activities. At its core are two principles. The first is that each State, whether it is the importing, exporting or transit country, has the right and responsibility to review and authorize all transactions involving small arms. The second is that international cooperation is necessary to combat illicit trafficking. While the protocol would apply only to commercially traded firearms, its definition of "firearms" is sufficiently broad to encompass the weapons of primary concern to the Secretary-General's consultations undertaken in pursuance of resolution 53/77 T. The protocol's provisions would include, among other things, standards for weapons marking, import/export procedures, the maintenance of records, the creation of a focal point for information exchange among State parties, and a requirement for the registration and licencing of brokers.

### **Regional norms**

38. Participants in the consultations discussed the need for norms and principles guiding small arms transfers. Some argued that solutions to illicit trafficking were directly dependent on the willingness and ability of States, whether producer or recipient countries, to exercise restraint in legal transfers so as to avoid creating or escalating excessive accumulations of small arms. For many of the participants, the development of greater

transparency and confidence-building about legal small arms transfers and holdings was a key element in preventing destabilizing accumulations resulting from illicit trafficking or legitimate transfers. One such initiative was the Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa, declared by the Economic Community of West African States (ECOWAS).<sup>39</sup>

39. The implementation of the Moratorium is supported by the Programme for Coordination and Assistance for Security and Development (PCASED), operated in cooperation with the United Nations Development Programme (UNDP) and United Nations Regional Centre for Peace and Disarmament in Africa. ECOWAS Ministers of Foreign Affairs have given PCASED a mandate to promote and facilitate harmonization of national laws and administrative procedures, to support the collection and destruction of surplus and confiscated arms, and create a regional database and arms register. The register, which is intended to promote transparency and confidence-building, will include information on State-held small arms and light weapons. PCASED is also involved in public information and development activities supportive of good governance and the maintenance of a culture of peace.

40. Member States of the Organization of African Unity (OAU), at its summit meeting in Algiers in July 1999, called for the development of a coordinated African approach to illicit small arms trafficking, taking into account the experience and activities of subregional organizations. In pursuance of that goal, OAU will hold a conference of African experts on small arms in the year 2000.<sup>40</sup>

41. Another instrument outlining a regional framework of norms for small arms transfers which was highlighted during the consultations was the European Union Joint Action on Small Arms. The Joint Action outlines principles and measures for preventing destabilizing small arms accumulations and commits the Union to providing financial and technical assistance to programmes that contribute to those principles and measures.

42. The consultations revealed that the variety of the measures being pursued by Member States in their efforts to combat illicit trafficking corresponded to the variety of manifestations of the problem. Since illicit trafficking is by definition an international phenomenon, solutions are being sought through bilateral, multilateral, regional and global approaches. The consultations made it clear that both law enforcement and disarmament measures were required to deal with the issue in all its aspects. The use

of small arms by criminal elements and organized crime in many States was a growing concern that needed to be addressed through increased law enforcement and strong judicial measures as well as enhanced international cooperation. On the other hand, excessive and destabilizing accumulations of small arms continued to pose long-term threats to internal and international security in many subregions. The widespread availability of small arms must be addressed through a more holistic range of measures, including the promotion of confidence-building, transparency and arms reduction policies and the development of national and international norms governing small arms transfers. The consultations suggested that indigenous measures being developed or implemented at the bilateral and subregional level were immediate priorities for many Member States, largely because the shared problems were most evident at that level.

43. At the same time, the participants to the consultations recognized that the States and regions most affected by the problem could not foster lasting solutions to the problems posed by illicit trafficking in small arms without global support and cooperation. Such assistance could be forthcoming in two areas. First, without implying any order of priority, the technical and financial support of the donor community was needed to assist States and subregional organizations implement enforcement and control services, education and development strategies, transparency mechanisms, demobilization and reintegration programmes and other measures directly related to curtailing illicit arms supplies and reducing demand for those supplies. Secondly, the United Nations, INTERPOL, the World Customs Organization and other international bodies must give priority to, and increase the resources available for, measures to counter transboundary illicit arms trafficking and the criminal activity that provided the funds and fueled the demand for illicitly traded small arms of all types.

#### **IV. Role of the United Nations in collecting, collating, sharing and disseminating information on illicit trafficking in small arms**

44. The third issue addressed in the consultations was the role of the United Nations in collecting, collating, sharing, and disseminating information on illicit trafficking in small arms. Member States and others contributing to the discussion suggested that the United Nations could pursue activities focusing on illicit trafficking and promoting and

facilitating greater transparency in relation to small arms transfers and holdings.

##### **National legislation**

45. National governmental authorities often seek information about the existing and emerging norms, practices and laws of other nations as they develop or revise their legislative regimes to combat small arms trafficking. This kind of information can also assist foreign and trade policy development and the administration of import and export procedures. The same information would be of interest to research institutes and non-governmental organizations. Participants in the Secretary-General's consultations suggested that the United Nations could facilitate access to that information by establishing and maintaining a repository of national legislation and regulations relevant to all aspects of small arms and small arms trafficking.<sup>41</sup>

##### **Best practices documentation**

46. While it is relatively simple to obtain information about major international and regional initiatives, the same cannot be said for information about subregional, national or local efforts. Participants in the consultations have suggested that the United Nations could assist Member States and others planning and implementing measures against small arms trafficking by gathering and making available information about projects, programmes and other initiatives that had produced positive outcomes.

##### **Transparency measures**

47. Noting that data about legal transfers will help monitor illicit trafficking, participants in the consultations proposed that the United Nations develop and assist programmes to increase transparency in the transfer and holding of small arms. In that regard, some proposed that the United Nations Register of Conventional Arms should be modified to include small arms and light weapons. Alternatively, the United Nations could create a supplementary register or registers designed specifically for small arms and light weapons. The suggestions for expansion of the Register of Conventional Arms were accompanied by expressions of encouragement to all Member States to participate actively in the existing Register, which covered seven major conventional weapons categories: battle tanks, armoured combat vehicles, large-calibre artillery systems, combat aircraft, attack helicopters, warships, and missiles and missile systems.<sup>42</sup>

48. There were also proposals calling on the United Nations to provide support and technical assistance to Member States to develop supplementary regional or subregional registers. Such registers might be developed as complementary and contributing components in a possible global register of small arms. It was noted that supplementary regional or subregional registers might be easier to develop and implement because they would be based on the shared circumstances, needs, and security concerns of a smaller number of States.

49. It was further suggested that the United Nations could increase transparency and assist law enforcement and border control agencies by preparing and publishing lists of individuals, companies and organizations that had been authorized to manufacture or trade in small arms. The question of restricting the manufacture of and trade in small arms to authorized manufacturers and dealers was addressed in “report of a consultative meeting of experts on the feasibility of undertaking a study for restricting the manufacture and trade of small arms to manufacturers and dealers authorized by States”,<sup>43</sup> prepared in pursuance of paragraph 5 of General Assembly resolution 53/77 E of 4 December 1998, and the Group of Governmental Experts on Small Arms recommended in its report that the study should be completed in time for it to be considered at an international conference on the illicit arms trade in all its aspects, to be convened no later than 2001. The Group also welcomed proposals that such a study be extended also to cover brokering activities relating to small arms and light weapons, including transportation agents and financial transactions, and that the study should also address the illicit activities in those fields.<sup>44</sup> Similarly, participants in the consultations highlighted the need for measures to regulate and control the activities of arms brokers, transportation agents and others who facilitated small arms transfers.

#### **Illicit trafficking trends and methods**

50. A number of submissions and proposals reiterated the value of cooperation between relevant organizations and States in the identification of the groups and individuals engaged in illicit trafficking activities and the modes of transfer used by them.<sup>45</sup> Among other things, they proposed that the United Nations play a role in collecting and disseminating information by identifying geographical areas where large amounts of small arms have accumulated; preparing conflict-specific assessments of small arms trafficking; describing and publicizing known trafficking routes, methods and techniques; and listing companies, countries and individuals involved in violations

of end-use certificates and unauthorized small arms transfers to third parties. Such information would be gathered from national, subregional, regional and international governmental and non-governmental sources, including United Nations field staff. A similar proposal is found in article XV of the draft firearms protocol.<sup>46</sup>

51. Although the discussion focused on the United Nations role, it was noted that INTERPOL, through its International Weapons and Explosives Tracking System (IWETS), provided operational support and intelligence services to the police forces of 177 member States. The system was designed to collect, analyse and share information from police agencies about small arms and explosives incidents involving known international firearms traffickers, foreign nationals, large seizures of illegally imported weapons, terrorists acts, and thefts from manufacturers, import/export companies and other dealers. INTERPOL representatives, however, informed participants in the regional workshops that its member organizations outside of Europe had tended not to contribute information to IWETS and, as a result, it had undertaken a review of the programme with plans to improve its usefulness to law enforcement agencies.

#### **Technical assistance**

52. The consultations suggested that the United Nations could further the goals of reducing and eradicating illicit arms trafficking by providing or facilitating technical expertise and financial assistance for the conversion, collection and destruction of surplus and confiscated small arms, the development of national data collection and reporting procedures, and training. Other areas in which technical and financial assistance would be welcomed included the development of supplementary regional or subregional registers, the creation of bilateral and multilateral mechanisms for information-sharing and operational planning, the development and maintenance of an information clearinghouse on institutions and agencies involved in small arms issues and reports of studies, research, and evaluations.

#### **Support for the involvement of civil society**

53. The consultations proposed that United Nations support measures in the States most affected by excessive accumulations of small arms by promoting the participation of civil society generally and through groups such as women’s organizations, businesses, faith-based organizations and youth and educational institutions. It was also proposed that the United Nations facilitate

awareness campaigns to expand global support for meaningful action to control illicit trafficking in small arms.

#### Other activities

54. Although the consultations focused on the role of the United Nations in collecting, collating, sharing and disseminating information on illicit small arms trafficking, the participants identified other activities for the Organization. It was proposed, for example, that the United Nations play a role in developing practices and procedures to deter counterfeiting and forgery of end-user certificates and in promoting the development of international norms and other measures addressing legal transfers of small arms.

## V. Observations

55. The consultations held in pursuance of General Assembly resolution 53/77 T served to highlight the multidimensional challenges posed by the illicit trafficking of small arms that must be addressed from many perspectives. The information gathered during the consultations reinforces the recognized view that small arms were widely and easily available to armed groups, criminals, mercenaries and terrorists. At the same time, the consultations suggest that endeavours to estimate illicit arms trafficking based on quantifiable data such as numbers of weapons, for example, might not be as useful or productive as obtaining information about the original and immediate sources of supply, suppliers and clients, the types of weapons involved, and the methods of financing. It was also seen to be possible to describe illicit small arms trafficking more specifically and reliably as it was experienced in different States and subregions. That would promote clearer descriptions of the different manifestations of the problem and facilitate bilateral and multilateral information-sharing and exchange on operational, policy and programme questions.

56. The observations above were made by Member States through submission of their views and participation in the two regional workshops. The consultations clearly pointed to the importance of understanding the differences in how the illicit trafficking of small arms is manifested over the widest range of subregions and regions. Indeed, further consultations in Latin America and the Caribbean and Africa will be necessary in order better to understand the problems posed by the illicit traffic in those regions. Moreover, there is need for information from Member

States, subregional and regional organizations, non-governmental organizations and members of civil society in the Asia/Pacific region, particularly in South Asia, South-East Asia and Western Asia, and in Europe, particularly in Eastern Europe, and for an opportunity for them to participate.

57. Finally, the consultations affirmed the importance of viewing the disarmament and crime/law enforcement aspects of illicit small arms trafficking as complementary initiatives. Progress along both of those tracks held the best prospects of reducing the dangers posed by the destabilizing and excessive accumulation of small arms.

#### Notes

<sup>1</sup> The term "small arms" in this report includes small arms, light weapons and their ammunition consistent with the definition provided in the report of the Secretary-General on small arms, prepared with the assistance of the Panel of Governmental Experts on Small Arms (A/52/298, para. 26).

<sup>2</sup> Replies to the *note verbale* transmitted by the Department for Disarmament Affairs to all Members States, dated 23 March 1999 (DDA/12-99/ITSA), were received from Antigua and Barbuda, Bulgaria, Canada, Colombia, Cuba, Finland (on behalf of the States Members of the United Nations that are members of the European Union); Kyrgyzstan, Singapore, South Africa and Uruguay (see annex I).

<sup>3</sup> The Department for Disarmament Affairs, United Nations Secretariat, addressed letters to the following organizations requesting relevant information; replies were received from those organizations marked with an asterisk: Organization of American States (OAS);<sup>\*</sup> Mercado Commun del Sur (MERCOSUR); the Caribbean Community Secretariat (CARICOM);<sup>\*</sup> the Commonwealth Secretariat; the European Union (EU); the Organization of African Unity (OAU);<sup>\*</sup> the Southern African Development Community (SADC); the Economic Community of West African States (ECOWAS); the ASEAN Regional Forum (ARF); the South Asian Association for Regional Cooperation (SAARC); and the Association of Southeast Asian Nations (ASEAN). Copies of the replies are maintained by the Department for Disarmament Affairs.

<sup>4</sup> The Department for Disarmament Affairs addressed letters to the following organizations requesting relevant information; replies were received from those organizations marked with an asterisk: IEPADES (Guatemala); CODEH (Honduras); the International Resource Group (Kenya); Regional Centre for Strategic Studies (Sri Lanka);<sup>\*</sup> Mennonite Central Committee (Cambodia); the Institute for Security Studies (Pretoria);<sup>\*</sup> International Institute for Strategic Studies (United Kingdom); the Swedish International Peace Research Institute (SIPRI);<sup>\*</sup> Norwegian Initiative on Small Arms Transfers (NISAT); British-American Security Information Council (BASIC);<sup>\*</sup> Graduate Institute of International Studies (GIIS, Switzerland); Bonn

- International Center for Conversion (BICC);\* International Committee of the Red Cross (ICRC); International Alert;\* Quaker United Nations Office, and the International Action Network on Small Arms (IANSA). Copies of the replies are maintained by the Department for Disarmament Affairs.
- <sup>5</sup> Consultations with representatives of the International Criminal Police Organization (INTERPOL) (Lyon, France, March 1999), the Stockholm International Peace Research Institute (SIPRI) (Stockholm, March 1999), and the United States General Accounting Office (New York, April 1999).
- <sup>6</sup> Workshop on Small Arms (Geneva, 18-20 February 1999); Seminar on the Removal of Small Arms and Light Weapons in the Contest of Peace Missions (Stockholm, 11-12 March 1999); Experts' Meeting, Microdisarmament, Security and Development: Does the World Bank Have a Role? (Washington, D.C., 18-20 March 1999); Workshop on Proliferation of Small Arms, Ammunition and Explosives and Their Impact on Regional Stability (Buenos Aires, 17-18 May 1999); Partnership for Peace Workshop on Industrial Aspects of Small Arms (Baden, Switzerland, 28-30 June 1999).
- <sup>7</sup> Summary highlights of the Workshop on Illicit Trafficking in Small Arms: Latin American and Caribbean Issues (Lima, Peru, 23-25 July 1999), are available through the Conventional Arms Branch of the Department for Disarmament Affairs and via its Web site: [www.un.org/Depts/dda/CAB/index.htm](http://www.un.org/Depts/dda/CAB/index.htm)
- <sup>8</sup> The United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, originally opened in 1987, resumed its activities in December 1998 after a three-year suspension.
- <sup>9</sup> Summary highlights of the Workshop on Illicit Trafficking in Small Arms: African Issues (Lomé, Togo, 2-4 August 1999), are available through the Conventional Arms Branch of the Department for Disarmament Affairs and via its Web site: [www.un.org/Depts/dda/CAB/index.htm](http://www.un.org/Depts/dda/CAB/index.htm)
- <sup>10</sup> The United Nations Regional Centre for Peace and Disarmament in Africa was established as at 1 January 1996, in pursuance of General Assembly resolution 40/151 of 16 December 1985, on the basis of a request contained in OAU resolution AHG/Res.138 (XXI) adopted at the twenty-first ordinary session of the OAU, 18-20 July 1985. The Lomé Centre resumed its activities in December 1998.
- <sup>11</sup> Representatives of the Organization of African Unity (OAU) secretariat and the current Chairman of the Southern African Regional Police Chiefs' Cooperation Organisation (SARPCCO) were scheduled to participate in the Lomé workshop but were obliged to cancel, due to other pressing obligations.
- <sup>12</sup> Representatives of Algeria, Botswana, Chile, Gambia and Kenya submitted replies to the questionnaire. The replies are available in the Department.
- <sup>13</sup> A/AC.254/4/Add.2/Rev.2, of 19 July 1999.
- <sup>14</sup> The term "participants" refers to the representatives of States, regional and international organizations and non-governmental organizations that submitted documents or attended the Lima and Lomé workshops during the consultations.
- <sup>15</sup> See, for example, M. Renner, "Arms control orphans", and M. Klare, "The Kalashnikov age", *Bulletin of the Atomic Scientists* (Small Arms, Big Problems: A Special Issue), vol. 55, No. 1 (January/February 1999).
- <sup>16</sup> A/52/298, para. 36.
- <sup>17</sup> The illicit weapons shipments that were described in the consultations and other reports are not necessarily limited to "small arms". They may include heavier conventional weapons, parts and supplies.
- <sup>18</sup> Note verbale of 24 June 1999 from the Permanent Mission of South Africa to the United Nations addressed to the Under-Secretary-General for Disarmament Affairs, in pursuance of the request contained in General Assembly resolution 53/77 T (see annex I below for full text).
- <sup>19</sup> See "Final report of the International Commission of Inquiry (Rwanda)" (S/1998/1096, of 18 November 1998), para. 78.
- <sup>20</sup> *Ibid.*, para. 98.
- <sup>21</sup> See, for example, the report of the Chairman of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola, on the implementation of the sanctions imposed against UNITA (S/1999/644, annex), of 4 June 1999.
- <sup>22</sup> For further information about the role of mercenaries, see the report of the United Nations Special Rapporteur on mercenaries (E/CN.4/1999/11), of 13 January 1999.
- <sup>23</sup> This point was made by United States Secretary of State Madeleine K. Albright in an address to the annual convention for the National Association for the Advancement of Colored People (NAACP), New York, 13 July 1999.
- <sup>24</sup> For a discussion of the levels of injury and deaths associated with small arms, see *Arms Availability and the Situation of Civilians* (Geneva, International Committee of the Red Cross, 1999), p. 16.
- <sup>25</sup> See "Protection of children affected by armed conflict: Report of the Special Representative of the Secretary-General for Children and Armed Conflict" (A/53/482, annex), paras. 18-22.
- <sup>26</sup> The report of the Group of Governmental Experts on Small Arms (A/54/258, of 19 August 1999) and report of the Secretary-General on assistance to States for curbing the illicit traffic in small arms and collecting them (A/54/309, of 3 September 1999) provide additional detail on many of the measures and initiatives referred to in the consultations. They also describe measures and initiatives taken by States or regions not represented in the consultations.
- <sup>27</sup> Experience has been gained, for example, from weapons collection and destruction operations in post-conflict situations in Mali (March 1996); Mozambique (1995-present) and Liberia (July 1999), as well as from workshops and symposia, such as the Workshop on Weapons Collection and Integration of Former Combatants into the Civil Society: The Experiences of Guatemala, El Salvador, Honduras, Nicaragua and Colombia, Guatemala City, 18-20 November 1998.
- <sup>28</sup> See the Department's booklet "*Disarmament, demobilization and reintegration of ex-combatants in a*

*peacekeeping environment: principles and guidelines*", of July 1999.

- <sup>29</sup> Examples include "Operation Rachel" in South Africa and Mozambique, voluntary surrender and amnesty programmes in some Latin American countries, Jamaica's destruction of confiscated and seized guns, and the buy-back programmes of Australia and the United Kingdom.
- <sup>30</sup> A/54/258, para. 102. See other recommendations dealing with the issue of marking in paras. 115-116.
- <sup>31</sup> *Ibid.*, paras. 111-112.
- <sup>32</sup> See the note verbale dated 22 February 1999 from the Permanent Mission of South Africa to the United Nations addressed to the Secretary-General (A/54/70).
- <sup>33</sup> M. Chaciua, *Operation Rachel: 1996-1999* (Pretoria, Institute for Security Studies, 1999), ISS Monograph Series, No. 38. See also A/54/64.
- <sup>34</sup> Workshop on Proliferation of Small Arms, Ammunition and Explosives and Their Impact on Regional Stability, Buenos Aires, Argentina, 17-18 May 1999.
- <sup>35</sup> The members of SADC are Angola, Botswana, Democratic Republic of Congo, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, United Republic of Tanzania, Zambia and Zimbabwe.
- <sup>36</sup> Institute for Security Studies, "*Linkages between crime, contraband, and illicit small arms*", paper presented to the Workshop on Illicit Trafficking in Small Arms: African Issues, Lomé, Togo, 2-4 August 1999.
- <sup>37</sup> Adopted by the General Assembly of the Organization of American States on 13 November 1997. See A/53/78, annex. As of 31 July 1999, seven States (Belize, Bahamas, Mexico, El Salvador, Bolivia, Peru, and Ecuador) had ratified the Convention. See also the OAS home page: [www.oas.org/en/prog/juridico/english/Sigs/a-63.html](http://www.oas.org/en/prog/juridico/english/Sigs/a-63.html).
- <sup>38</sup> See A/AC.254/4/Add.2/Rev.2 and A/AC.254/4/Rev.4.
- <sup>39</sup> Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa (A/53/763-S/1998/1194), 31 October 1998.
- <sup>40</sup> "Decision on the illicit proliferation, circulation and illicit trafficking of small arms and light weapons" (CM/2097 (LXX) Add.2, of July 1999).
- <sup>41</sup> A survey of national legislation and regulations relevant to firearms regulation is contained in *United Nations International Study on Firearm Regulation* (United Nations publication, Sales No. E.98.IV.2).
- <sup>42</sup> See A/52/316, annex.
- <sup>43</sup> A/54/160, annex.
- <sup>44</sup> A/54/258, annex, para. 103.
- <sup>45</sup> *Ibid.*, para. 83.
- <sup>46</sup> See A/AC.254/4/Add.2/Rev.2.

## Annex I

### Replies received from Governments

#### Antigua and Barbuda

In regard to paragraph 1 (a) of resolution 53/77 T, the Government of Antigua and Barbuda is at present seized with the matter of small arms in the country. The Attorney General on 28 March announced that he had ordered an intensification of the police crackdown on all illegal weapons in the country, and on the process of identifying and dealing with criminal elements in society.

In regard to paragraph 1 (b), Antigua and Barbuda has given larger countries with whom there is much friendship and cooperation in criminal activity the right of hot pursuit within its territorial waters. Though the specific reason centres around illicit trafficking in narcotics, it certainly includes gun-running and other forms of smuggling. Antigua and Barbuda is firm in its belief that matters of this nature should be brought under the ambit of the International Criminal Court.

With reference to paragraph 1 (c), the Government of Antigua and Barbuda, as a small country with limited resources and numerous vulnerabilities, considers it not only the role but the obligation of the United Nations to collect, collate, share and disseminate information on illicit trafficking in small arms to all countries.

#### Bulgaria

##### Extent and range of the phenomenon of illegal traffic of small arms and light weapons

Bulgaria takes an active part in the efforts of the international community to reduce conventional arms, including small arms and light weapons. Our country actively participates in the work of the United Nations Group of Governmental Experts on Small Arms and shares the observations and conclusions set out in the draft report of the Group concerning the reasons for the emerging, the seriousness and the scale of the problem regarding illegal traffic in small arms and light weapons, as well as the means to overcome it.

At the review of these and other issues connected with small arms and light weapons, Bulgaria considers that it should be noted that these kinds of weapons, by themselves, cannot cause a conflict or disturb an established strategic balance. Yet, at the same time, their

excessive accumulation and mass use in some sensitive regions can lead to complications or prolongation of the conflicts and cause considerable human casualties.

Proceeding from this understanding, when issuing permits for export of small arms and light weapons, the competent authorities of Bulgaria are particularly cautious and are led by the principle that such weapons are necessary only for defence purposes of the countries buying them and on account of that, such deliveries are made only for State/governmental institutions.

The main institutions, in Bulgaria, which control foreign trade activity with arms and dual-use goods and technologies are: the Interdepartment Council on issues concerning the military-industrial complex and mobilization readiness of the country, in the Council of Ministers of Bulgaria; the Commission for control and permission of foreign trade transactions with arms, dual-use goods and technologies, in the Ministry of Trade and Tourism; the Ministry of the Interior; and the General Customs Directorate in the Ministry of Finance.

At the National Service for Combating Organized Crime in the Ministry of the Interior, a department for generally dangerous means and proliferation functions to oppose smuggling and illegal transactions in strong or poisonous substances, explosives, arms, ammunitions, dual-use goods and technologies.

An analysis of information and statistics for the year 1998 and the first quarter of 1999 does not show any data for export of small arms done in violation of the international commitments of Bulgaria and its legal provisions. At the same time the data point out that the illegal trade in individual small arms and light weapons, internally, is stable.

In 1998 the specialized services of the Ministry of the Interior confiscated the following illegally owned individual small arms: 19 assault rifles, eight carbines, 63 rifles, 88 pistols, one grenade launcher, 10 hunting rifles, two self-made rifles.

During the first quarter of 1999: four assault rifles, three carbines, one rifle, seven hunting rifles and 18 pistols were confiscated.

During the above-mentioned period, customs administration authorities held up the following arms and ammunitions illegally transferred across the border: four pistols, 5,629 ball-cartridges, 259 parcels with parts and equipment for arms, including small arms and light weapons.

**Possible measures to combat illegal trade in and illegal distribution of small arms and light weapons, including those suited to local regional approaches**

Being a producer of several types of conventional arms, Bulgaria implements, on a national scale, normative regulations for control of the production, trade, possession and foreign trade activity in arms, dual-use/civil and military/goods and technologies which as a whole correspond to the international and European standards. The activity in this field, in particular, is regulated by:

(a) Law for Control of Explosives, Firearms and Ammunitions (*State Gazette*, issue 133 of 11 November 1998). The adoption of a regulation for its application is forthcoming;

(b) Regulation No. 15 of 25 February 1997, concerning the terms and rules for the import, export, transferring, trade, sale/trade, storing, collecting and carrying of firearms and ammunition and control over them (*State Gazette*, issue 18 of 28 February 1997; and its amendments, *State Gazette*, issue 39 of 7 April 1998);

(c) Law for Control of Foreign Trade Activity in Arms and Dual-use Goods and Technologies (*State Gazette*, issue 102 of 21 December 1995);

(d) Regulation for its implementation (*State Gazette*, issue 21 of 12 March 1996);

(e) Regulation for border check-points (*State Gazette*, issue 41 of 23 May 1997).

The cooperation of Bulgaria in international and regional terms in combating the illegal trade in small arms and light weapons is based on multilateral and bilateral instruments, namely:

(a) Protocol No. 6 for mutual assistance in customs activity in connection with article 93 (3) of the European agreement for association among the European communities and their member countries, on one hand, and Bulgaria, on the other hand (*State Gazette*, issue 33 of 20 April 1993, in force from 1 February 1995);

(b) Bilateral agreements signed at the government level regarding international cooperation and mutual

assistance in customs activity with Austria, Turkey, Greece, Romania, the Russian Federation, Ukraine, and Yugoslavia. The signing of a similar agreement with the former Yugoslav Republic of Macedonia is forthcoming;

(c) Drafts of similar agreements are being negotiated with Argentina, the United States of America, Croatia, Georgia, Armenia, Hungary, France, Moldova and Mongolia;

(d) A memorandum of understanding with the United Kingdom of Great Britain and Northern Ireland has been signed.

Bulgaria supports the following EU documents in this field: programme for combating and preventing the illegal trade with conventional arms; code of conduct on arms exports; decision for joint action on small arms and light weapons.

Bulgaria follows closely the development of these issues at international forums and in the leading countries, and actively participates, on bilateral and multilateral terms, in the dialogue regarding this delicate issue and continues to work for further updating and improving the legislation in this field. The active policy carried out by our country found its reflection in the seminar held in Sofia from 7 to 9 June 1999 on the issues of regional cooperation concerning the non-military and the newly originating risks and challenges for security and stability in South-Eastern Europe, including the distribution of small arms and light weapons and the mechanisms for preventing their illegal traffic. Bulgaria takes part in a newly formed ad hoc group on conventional arms problems.

According to the competent Bulgarian ministries, in order to effectively combat the illegal trade and illegal distribution of small arms and light weapons, in global terms, it is necessary for effective control to be exerted on the part of Governments, over the production of arms by working out and implementing relevant legal and administrative provisions and by using modern means of security and control in production facilities and depots, so as to prevent thefts; effective control to be exerted over the companies trading in small arms and light weapons, with a view to preventing sales not regulated by local legislation; the normative basis for trade in small arms and light weapons, and ammunitions and its consistent implementation to be improved; and the efforts of the international community to be coordinated and unified by working out and applying effective common approaches and measures in this field by all countries.



**Role of the United Nations in collecting, comparing, exchanging and spreading information on illegal trade in small arms and light weapons**

In international terms, Bulgaria strictly observes the restrictions evolving from the relevant resolutions and decisions of the United Nations, the Wassenaar Arrangement, the European Union, the Organisation for Security and Cooperation in Europe and other international regimes.

Bulgaria gives its support also by participating in the United Nations Group of Governmental Experts on Small Arms, which provides assistance to the Secretary-General in preparing recommendations for combating the illegal traffic in this field.

We support, as being particularly promising, the proposal to convene an international conference on the illegal traffic in small arms in all its aspects not later than the end of 2001.

Our country shares the view that, along with international efforts in global terms, there exist opportunities for a regional approach to the problem, for a constructive bilateral and multilateral dialogue with the countries in the region of South-eastern Europe on issues relating to the control and prevention of illegal traffic in small arms and light weapons. In this connection, attention should be paid to further exploring the possibility of increasing the scope of the United Nations Register and establishing regional and subregional registers with greater commitment on the part of the participating countries in search of a reliable solution.

When discussing measures for controlling traffic in small arms and light weapons in regional terms, it is advisable to have in mind the following:

- (a) The wide distribution and the great number of small arms and light weapons, including those in south-eastern Europe, require a long time and means for realizing an effective control over this kind of special production;
- (b) The measures aiming at establishing such control will be effective only if they are consistently applied in all countries of a given region;
- (c) Working out specific programmes, including programmes for different regions and countries and providing assistance for their practical implementation will contribute, to a great extent, to success in combating the dangerous spread of those arms. The main thing in this direction is a complex approach to a problem that has got two facets:

- (i) Effective control over all sections of the chain of supply of small arms and light weapons — from the manufacturer to the end-user;

- (ii) Efforts to eliminate the root causes of conflicts and prevent new conflicts, putting an end to the existing ones, to support disarmament and full reintegration of combatants, and to improve the welfare of the affected societies.

Bulgaria considers the EU Joint Action of 17 December 1998 on combating the destabilizing accumulation and proliferation of small arms and light weapons to be an important step, because it provides a complex and comprehensive approach. Thus, Bulgaria supports the Joint Action and will work for its consistent implementation.

We consider that, as an element of the cooperation in this field and to facilitate the exchange of information on these issues, a classification could be worked out, based on specific weapons, that would discriminate between arms intended mainly for self-defence and arms with definitely offensive (aggressive) capacities and use, for which the ban should be more strict and overall.

According to us, close cooperation, including the exchange of information on a bilateral and multilateral/regional basis among the authorities for export customs and border control, is an effective tool against this kind of trade.

We regard measures for reducing the dangerous accumulation and sale of small arms and light weapons in potentially dangerous geographical regions as the first stage in a more extensive process leading to an effective international regime of control or to a convention analogous to the already existing ones on weapons of mass destruction and dual-use goods and technologies.

It would be useful if the United Nations through its Disarmament Department, would create the necessary database for the activity of governmental and non-governmental organizations participating in regional and subregional projects dealing with illegal trade in small arms and light weapons.

Discussion of this problem at various forums is a result of the growing attention it is provoking. At the same time, the necessity of concentrating international efforts and resources and of coordinating the separate forums in order to avoid dissipation of means and duplication of activities should be taken into consideration.

Bulgaria expresses its hope that the present view will be useful for further discussion of this important issue.

## Canada

### **The magnitude and scope of the phenomenon of illicit trafficking in small arms**

The excessive and destabilizing accumulation of small arms is pervasive, posing a threat not only to individual security but to national and international security as well. The problem has become acute since the end of the Cold War since there has been a pronounced change in the nature of modern conflict. Characterized by its sometimes exclusive use of military-style small arms and light weapons (from machine-guns and fully automatic rifles to grenade launchers and anti-tank missiles), modern conflict has shifted from conventional inter-State warfare to long-term, low-intensity wars within States. In many cases, the main combatants are not only national armies but local militia, paramilitary groups, even criminal gangs and terrorists. These types of conflicts permeate societies and are oblivious to circumscribed battlefields. Civilian casualties are thus extremely high.

Illicit trafficking in small arms is a major contributor to the excessive and destabilizing accumulation of weapons in that it provides an unregulated supply of arms to any State, organization or group that can afford to buy them. Trafficking in small arms is often linked to organized crime and to drug cartels which, as a result of their operations, can reduce state and individual security by undermining political and social stability.

### **Possible measures to combat illicit trafficking in and illicit circulation of small arms, including those suited to indigenous regional approaches**

Any efforts to address the illicit trafficking in small arms must be comprehensive and address all aspects of the small arms issue, including legal transfers, illicit trafficking and peace-building.

The legal transfers element is crucial to reducing the illicit trafficking in small arms, because many illicitly trafficked weapons begin as part of legitimate transfers. By developing, promoting and implementing measures to bring about greater restraint, control and transparency in the legal transfer of small arms and light weapons, the international community would deny criminals a valuable source of weaponry and smugglers of lucrative contraband items.

Indigenous efforts to restrict legal transfers are being made to address the demand side of the small arms

equation. Initiatives such as the ECOWAS-supported West African (Mali) Moratorium are designed to prevent the importation of small arms into a region which is already awash in small arms and light weapons. Such initiatives should be fully supported, encouraged and enforced.

Addressing the illicit trafficking element of the small arms issue means tackling criminal elements directly. Canada's focus is on supporting practical measures to combat the significant illicit trade of small arms, which is frequently linked to international organized crime and drug traffickers. In November 1997 Canada signed the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials, which establishes a reciprocal system of import, export and transit authorizations for small arms, ammunition, explosives and other related material (e.g., firearms parts) to prevent exports of those goods taking place unless there is an import authorization. However, the key to preventing the illicit trafficking of small arms is improved and strengthened law and customs enforcement, especially through better international cooperation. The protocol on firearms to be attached to the draft convention against transnational organized crime (currently being negotiated) is an excellent example of progress being made on this track. Once established and enforced, increased law and customs standards will reduce the ability of criminals to traffic in small arms and light weapons.

The peace-building track is an important element of any solution to the issue of illicit trafficking in small arms, because it addresses the demand aspect of the problem. Although insecurity is often exacerbated by the excessive accumulation of small arms, the perceived need to wield weapons for personal security is symptomatic of deeper social, political and economic issues in which local actors have stakes and external actors have vested interests. Therefore, effort is required to reduce the demand for weapons if peaceful settlement of the conflict is to be sustainable.

Issues falling under this track are dealt with at the field level through local governing bodies and non-governmental organization/community organizations; at the subregional and regional levels (e.g., the enforcement of the ECOWAS-supported West African (Mali) Moratorium); in international forums such as the Brussels Conference on Sustainable Disarmament for a Sustainable Development (October 1998) and the Guatemala round table on ex-combatants' disarmament and demobilization (November 1998); and through organizations of the United

Nations system focused on small arms or on the mandates and delivery of peace operations.

**The role of the United Nations in collecting, collating, sharing and disseminating information on illicit trafficking in small arms**

Currently, there is no standardized way to gather information on the legal transfer or illicit trafficking of small arms. However, monitoring illicit trafficking in small arms may best be served by improving the transparency of legal small arms transfers. Certainly legal transfers are much easier to trace, especially if incorporated into an international arms trade register. By comparison, illicit trafficking in small arms is, by its nature, difficult to monitor and is largely the responsibility of the law enforcement community. If an effective register of small arms transfers were established, illicit trafficking would be at least conspicuous by its absence from the register. Canada supports greater transparency in the conventional arms trade and, accordingly, would support ongoing efforts to determine ways and means to render the transfers of small arms and light weapons more transparent.

**Colombia**

**Magnitude and scope of the phenomenon of illicit trafficking in small arms**

The impact of the illicit traffic in arms is determined not so much by the types of weapons but by the repercussions of trafficking on the peace and security of the countries affected. Because of their easy availability and low cost, small arms comprise the bulk of this traffic, which supplies weapons for internal conflicts and for the so-called low-intensity wars as well as for a broad range of criminal activities. The phenomenon should not therefore be treated merely as a business from which greedy arms dealers profit. It involves a broad range of actors and constitutes one of the most complex problems which the international community faces.

The scale of the illicit traffic in firearms is not insignificant. The authorities of some countries contend that the cases of seizure of illegally transferred arms and the number of persons detained for this offence represent just a small fraction of the true volume of this traffic and that the current international system of trade in these weapons is now taking on the characteristics that distinguished the "trade in death" during the cold war, when the absence of governmental controls made it

possible for arms traffickers to expand and have a significant impact on armed conflicts.

Arms-producing countries that are economically dependent on the military industry and have been forced to reduce their defence expenditures are seeking to increase their exports of arms in order to prevent economic disruptions and to ensure in this sector the maintenance of employment levels, the functioning of production chains, the development of new weapons systems and a secure source of foreign exchange. Since Government-to-Government arms sales are not sufficient to compensate for the cost of production, except marginally, particularly since many importing countries have also reduced their defence budgets, contractors in the military industry and their marketing representatives are seeking new marketing opportunities abroad, and non-State clients represent a promising outlet for their excess capacity.

In the absence of international agreements to moderate and regulate the arms trade, Governments or their trade representatives countenance illicit trafficking through the direct or indirect sale of arms to groups or individuals that are not legally authorized to acquire them.

**Possible measures to combat illicit trafficking in and illicit circulation of small arms, including those suited to indigenous regional approaches**

More is known about the consequences of the illicit traffic in arms than about the constantly changing ways in which it operates. Nevertheless, some of the factors that make the traffic possible and that need to be addressed should be noted here, namely:

- (a) The absence or ineffectiveness of legislation and State mechanisms for the control of the arms trade, which fosters a market in which non-State actors have access to various types of arms, including those intended for the exclusive use of military and police forces;
- (b) Differences between laws, policies and technical systems in the field of arms control and arms transfers, which contribute to illicit trafficking;
- (c) The possibility of procuring arms freely or with few restrictions in one country and then introducing them clandestinely into another where their sale is prohibited or controlled is the typical first step towards an illicit arms trade;
- (d) The high profit margin that can be obtained, owing to the ease with which arms may be purchased at low prices in domestic markets and then resold at higher prices

on the international black market, is one of the principal attractions for many arms traffickers, especially when an abundant supply of the goods trafficked is available in the source State and a significant demand exists in the receiving State;

(e) The illicit traffic makes available to the ordinary citizen a supply of various categories of arms, including those intended for the exclusive use of military forces;

(f) The illicit traffic permits access to firearms, ammunition and explosives by persons who do not meet the legal requirements for obtaining or carrying them in the receiving State;

(g) The illicit traffic in arms creates distrust between States and thus has an adverse impact on their relations;

(h) The illicit traffic in arms leads to arms proliferation, by imposing on States the need to acquire more arms to counter the consequences of the trade.

States Members of the United Nations should attach high priority to the elimination of the illicit arms trade and to cooperation at the international, regional and subregional levels aimed at harmonizing arms control legislation and administrative procedures and their enforcement mechanisms. At the same time, they should also consider the following, among other measures:

(a) Strengthening their national systems for the control and monitoring of the production and transfer of small arms;

(b) Ways and means of restricting the manufacture and acquisition of small arms over and above legitimate national security needs, taking into account the specific needs of each country or region;

(c) Modalities that would ensure greater openness and transparency in the production and transfer of small arms;

(d) Establishment of a body of national laws and/or regulations and administrative procedures to guarantee effective control of their arms and of the exportation and importation of small arms, so as to prevent them from reaching the hands of persons involved in the illicit trafficking of arms;

(e) Maintenance of a system of licensing for export, import and transit activities and for the issuance of the appropriate end-use/user certificates;

(f) Provision of an adequate number of suitably trained customs officers to control the exportation and importation of arms with a view to preventing illicit trafficking, particularly in border areas;

(g) Cooperation with other States in providing information on customs, trafficking and the seizure of illicit arms, and, where necessary, the coordination of intelligence work;

(h) Intensification of efforts to combat corruption and graft.

Many of these recommendations are contained in General Assembly resolution 46/36 H and in the guidelines adopted by the Disarmament Commission in 1996. The resolution and the guidelines have guided the international community's efforts in this field. In the Americas, the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials was adopted and various activities are being undertaken in other regions with the same aim.

#### **The role of the United Nations in collecting, collating, sharing and disseminating information on illicit trafficking in small arms**

Even though the issue of the adoption of measures to control the global arms trade has not been taken up for many years, States have begun to recognize that indiscriminate trade and illicit traffic in arms are a threat not only to the peace and security of some areas and regions but also to the security and well-being of their own citizens, and that these phenomena are dangerous components of world trade and a serious obstacle to efforts to achieve a solution to conflicts and to ensure a peaceful environment.

Moreover, States are now increasingly receptive to various proposals aimed at promoting initiatives to control indiscriminate transfers of small arms, reduce their excessive accumulation and coordinate policies to prevent their illicit circulation and trafficking. These goals have all been expressed in various General Assembly resolutions, ever since Colombia submitted a relevant draft resolution in 1988, which led to the adoption of resolution 43/75 I, the first resolution adopted on this topic in the history of the Organization.

Given the global scale of the phenomenon, no State or region is able to combat on its own the illicit traffic in arms. There is need for assistance from the international community, represented in the United Nations, to develop

a joint strategy designed to neutralize the factors that affect the supply of arms on the international black market and the circumstances, both internal and external, that determine demand. To this end, it is necessary to negotiate a universally binding and non-discriminatory instrument that commits all States, arms manufacturers and arms dealers to effective arms control and to the implementation of the measures needed to prevent and finally eradicate the illicit traffic in arms.

In reply to a note from the Secretary-General concerning resolution 52/38 J, the Government of Colombia expressed the view that the recommendation on the convening of a United Nations conference to seek global solutions to the problem of the illicit trade in small arms was the most important of the various recommendations contained in the report of the Secretary-General on small arms.

The Government of Colombia therefore welcomes the fact that, in recognition of the grave consequences which the illicit traffic in arms, and particularly the traffic in small arms, has for peace, security and development in many States Members of the United Nations, the General Assembly decided in resolution 53/77 E to convene the above-mentioned international conference no later than 2001.

In resolution 53/77 E the General Assembly stipulates that the conference in question should be on the theme of the "illicit arms trade in all its aspects" and that many aspects should be considered in the conference, including:

- (a) The ease of access to arms which are distributed and sold without proper regulations or restrictions;
- (b) The ready availability of arms which circulate freely in various countries and regions;
- (c) The weakness of the mechanisms used to ensure compliance with arms control regulations;
- (d) The absence of control over the production, distribution and sale of arms and military equipment;
- (e) The excessive production of small arms, which leads to their accumulation, proliferation and illicit trafficking;
- (f) Unsafe and overcrowded storage facilities;
- (g) Corruption at various levels;
- (h) Distribution of the domestic production of small arms;
- (i) Inadequate disposal of arms upon the conclusion of conflicts;

- (j) The inefficiency of border controls;
- (k) The inadequacy of regulations on carrying and possessing arms;
- (l) The weakness of import and export control mechanisms;
- (m) The proliferation of arms as a result exclusively of commercial and/or political considerations.

Owing to these and other aspects of the problem of the illicit traffic in small arms, it is necessary to adopt measures to ensure greater transparency, oversight and control over the production and legal trade in these arms; to develop programmes for the collection and destruction of arms that are not necessary for legitimate defence; and to adopt measures aimed at reducing and preventing their proliferation and excessive accumulation.

## Cuba

Cuba reiterates the positions stated last year in its response to General Assembly resolution 52/38 J, concerning small arms, as contained in document A/53/169/Add.4. There it stated, *inter alia*, that the problem of small arms and light weapons should be addressed in its proper perspective and in the context of the progress achieved towards general and complete disarmament. In this connection, nuclear disarmament is still the top priority with regard to disarmament questions, and mankind should therefore devote the greatest efforts to that goal.

In Cuba's opinion, now that the magnitude and the scope of the phenomenon of illicit trafficking in small arms are being addressed, it is essential to take duly into account the specific contexts in which the phenomenon occurs and the confluence of various technical, political, economic, social, ethnic and cultural factors in the accumulation of small arms beyond what is required to guarantee the national security of States.

Accordingly, the treatment of the issue and any initiatives adopted, even if they are within a multilaterally negotiated international framework, must respect the distinctive characteristics of each region or country affected.

Thus international cooperation is bound to play a key role in tackling the phenomenon of illicit trafficking in small arms, on the basis of initiatives negotiated at the bilateral, regional and multilateral levels and with due

regard for the particular circumstances and environment of each country or region.

Likewise, Cuba firmly believes that only States have the judicial, legal and administrative capacity to tackle illicit trafficking in arms, and they have a vital role in controlling such arms, by constantly enhancing national legislation designed to combat the phenomenon.

In a complementary role, the United Nations should pursue its efforts, through its economic and social organs, to combat poverty and underdevelopment, factors which contribute to the destabilization of States, thereby rendering them incapable of controlling, *inter alia*, the accumulation of small arms and light weapons, which has a knock-on effect on illicit trafficking.

The United Nations also has a crucial role in collecting, collating, sharing and disseminating information among its Member States on illicit trafficking in small arms, in accordance with its obligation to maintain international peace and security, as embodied in the Charter of the United Nations.

Cuba is committed to the view that, when the question is addressed at the bilateral, regional and multilateral levels, there must be respect for the inherent right of States to self-defence, individually or collectively, as embodied in Article 51 of the Charter of the United Nations, and accordingly respect for the legitimate right to acquire arms and other means necessary to defend and safeguard sovereignty and territorial integrity.

Likewise, Cuba considers that in international transfers of small arms, all States Members of the United Nations must duly take into account the guidelines for international arms transfers adopted by the Disarmament Commission in 1996 and published in document A/51/42.

In Cuba's opinion, the appropriate international forum to address in a comprehensive and effective manner the whole range of issues concerning illicit trafficking in all types of weapons, and particularly those issues referred to in subparagraphs (a), (b) and (c) of paragraph 1 of resolution 53/77 T, is precisely the international conference envisaged. In this connection, Cuba is prepared to play an active role both during the preparatory process and during the conference itself.

In our opinion, the main objective of such a conference should be the adoption of a political declaration and a joint programme of action to combat all aspects of illicit trafficking in weapons, including weapons of mass destruction and sophisticated conventional weapons.

Cuba stresses the importance of achieving total transparency and of promoting the broadest possible participation by Governments, both during the preparatory process and during the conference itself, in order to ensure the attainment of its objectives.

Cuba is flexible as to the timing of the conference, although we think that there should be sufficient time for preparations and that it should be held when there will be no scheduling conflicts with other important disarmament forums. Similarly, we are open to consideration of any proposal from Headquarters that has the approval of the majority of States Members of the United Nations.

Lastly, we should like to mention some measures that have been taken at the national level to combat the phenomenon of illicit trafficking in small arms:

(a) As reported last year in Cuba's reply to the Secretary-General concerning aforementioned resolution 52/38 J, Decree Law No. 52 on the control of firearms and the issuance of licences has been in effect in Cuba since 1982. Such licences are issued to those persons who meet the established requirements, in particular those dealing with crime. Moreover, the distribution of arms for the protection and security of State-owned economic entities is determined on the basis of the property being protected;

(b) On 17 June 1998, the Council of State of Cuba adopted Decree Law No. 186 on the system of security and physical protection. According to article 1, its purpose is to establish and regulate the system of security and physical protection and the services provided in that area. Section VII of the Decree Law lays down the following regulations governing the hand weapons and other weaponry of the security and protective services:

(i) Article 37: Internal security firms and companies are authorized to possess, use and store firearms and hand weapons intended for the provision of services, subject to the approval of the Ministry of the Interior and in accordance with the legal provisions and regulations in force.

Internal security firms and companies shall be responsible for measures to secure and control firearms and hand weapons intended for the provision of services.

(ii) Article 38: The firearms shall be used solely for the protection of the persons, objects and services intended. Unless the Ministry of the Interior duly approves, all types of transfer, relocation or use for unauthorized purposes shall be prohibited.

(c) More recently, on 16 February 1999, adoption of Act No. 87 amending the Penal Code has strengthened Cuban legislation governing, among many other issues, illicit trafficking in weapons;

(d) Article 11 of that Act amends articles 211 and 212 of the Penal Code, and imposes terms of imprisonment ranging from two to five years on any person who, without legal authorization, acquires, possesses or carries a firearm, and terms of imprisonment ranging from three to eight years on any person who manufactures, sells or in any way provides a firearm for the benefit of another person;

(e) Article 11 further imposes terms of imprisonment ranging from three to eight years, in the first instance, and from four to ten years, in the second instance, if the firearm is of a type for which no licence is issued;

(f) Section II, article 346, of the Act refers to money-laundering and imposes terms of imprisonment ranging from five to 12 years on any person who acquires, converts or transfers resources, assets or rights thereto, or attempts to carry out such an operation, if that person knows or ought to have known or could rationally have deduced from the circumstances of the operation that it involved the direct or indirect proceeds of actions related to illicit trafficking in drugs, weapons or persons, or were connected to organized crime.

### **Finland (on behalf of the States Members of the United Nations that are members of the European Union)**

The member States of the European Union (EU) co-sponsored the General Assembly resolution 53/77 T on illicit traffic in small arms, and wish to provide the following common reply to paragraph 1 of the resolution, which contains a request for the Secretary-General to hold broad-based consultations, within available financial resources and with any other assistance provided by member States in a position to do so, taking into account the ongoing work of the Group of Government Experts on Small Arms, with all Member States, interested regional and subregional organizations, international agencies, and experts in the three fields specified in the paragraph.

The political instability, human suffering, insecurity and social consequences caused by the destabilizing accumulation and spread of small arms and light weapons call for urgent international action. The EU attaches great importance to combating the problem at national, regional and international levels. The Programme for Preventing and Combating the Illicit Trafficking in Conventional

Arms, adopted in July 1997, the Code of Conduct of Arms Exports, adopted on 8 June 1998, the EU Joint Action on combating the destabilizing accumulation and spread of small arms and light weapons, adopted on 17 December 1998 and the EU Development Council resolution on small arms and light weapons, adopted on 21 May 1999, provide the key instruments for EU participation in these regional and international efforts.

The EU Programme for Preventing and Combating the Illicit Trafficking in Conventional Arms entails a broad set of non-binding measures, promoting both cooperation among member States and EU assistance to third countries affected by illicit trafficking in conventional arms.

The EU Code of Conduct of Arms Exports is a major contribution to effective control of transfers of conventional arms, including small arms. The Code contains a detailed set of common criteria for arms exports, including respect for human rights, and establishes unprecedented operative provisions. It also creates a monitoring mechanism through an annual report by each EU country on arms exports. The first annual review of the Code will be issued in late 1999. The Code sets the commitment of each EU member State to use its best endeavours to encourage other arms-exporting States to subscribe to the principles of the Code.

The EU Joint Action on Small Arms, on combating the destabilizing accumulation and spread of small arms and light weapons provides a comprehensive framework for EU policy in the field of small arms. It enumerates a set of principles and measures on preventive and reactive aspects of the issue that the EU member States shall pursue in relevant international forums and in a regional context. The Joint Action also contains provisions of financial and technical assistance to relevant programmes and projects. Such projects might include weapons collection, security sector reform and demobilization and reintegration programmes as well as victim assistance. The EU already has decided to participate in the UNDP pilot project on the collection and destruction of weapons in Gramsh, Albania, and further projects are under preparation.

The Development Council resolution on small arms and light weapons recommends that, in the field of development cooperation, the Community and the EU member States devote particular attention to small arms aspects. The resolution reflects the relationship between human security and development efforts when addressing the small arms problem.

The EU has entered into dialogue on small arms with various regions, both in view of expanding political support

for the key principles and measures that should be pursued through regional and incremental approaches and through global efforts and in view of EU contributions to specific actions on small arms.

The EU welcomes the successful conclusion of the work of the Group of Governmental Experts on Small Arms, established by the Secretary-General in accordance with resolution 52/38 J, the work already accomplished under the Panel of Governmental Experts on Small Arms, and the recommendations contained in the report of the Group. The EU shares the view of the Group of Governmental Experts on the major role of illicit trafficking of conventional arms in destabilizing societies and Governments, in encouraging crime and fostering terrorism, in supporting drug trafficking and mercenary activity, and in the violation of human rights.

The EU welcomed the decision of the General Assembly in its resolution 53/77 E "to convene an international conference on the illicit arms trade in all its aspects no later than 2001". The EU considers that the conference should be the main focus of international efforts to deal with the problem. The EU wishes to refer to its common reply to General Assembly resolution 53/77 E which contains detailed views by the European Union on the conference. The EU emphasizes the importance of having a wide and comprehensive scope for the conference. The conference should deal with both preventive and reactive aspects of the problem and seek ways and means to tackle it. The EU welcomes the recommendations made by the two United Nations groups of governmental experts in this respect. The EU also supports the recommendation that the conference focus mainly on those weapons that are manufactured to military specifications.

The EU considers that the United Nations has a central role in international efforts to deal with the problem of illicit traffic in small arms. The EU emphasizes the importance of cooperation and coordination, both among the relevant intergovernmental bodies of the United Nations, and within the Secretariat, in particular with regard to the activities of the Centre for International Crime Prevention, the Department for Disarmament Affairs and the mechanism for coordinating action on small arms (CASA). The EU also wishes to underline the importance of efficient cooperation between the Department for Disarmament Affairs and UNDP which has wide responsibility in the implementation of action in this field. Moreover, it is important to ensure effective information sharing between United Nations headquarters and regional and subregional activities and organizations.

The EU is encouraged by the negotiations under way in Vienna under the auspices of the Commission on Crime Prevention and Criminal Justice on a draft protocol against the illicit manufacturing and trafficking in firearms, ammunitions and other related materials which is taking place in the context of the negotiations on the draft United Nations Convention against Transnational Organized Crime. The EU emphasizes the importance of the draft firearms protocol, which covers one essential aspect of the small arms problem, and hopes that these negotiations will be concluded expeditiously prior to the international conference on illicit arms trade. The firearms protocol aims at establishing adequate norms with regard to, *inter alia*, record-keeping, marking, requirements for export, import and transit licensing or authorization systems as well as registration and licensing of arms brokers.

The EU supports increased transparency in international arms transfers, in particular through the submission of returns to the United Nations Register of Conventional Arms. The EU encourages all United Nations Member States to submit their national data to the Register in full and on time.

The EU stresses the need for effective control measures on the transfer of conventional weapons and encourages States to enact adequate national legislation and/or regulations and administrative procedures for effective control over arms with the aim of preventing illicit trafficking. In the case of legal transfers under the responsibility and control of States, there exist a number of measures that help ensure that such transfers do not lead to excessive and destabilizing accumulations of conventional weapons, in particular small arms. The absence of adequate national systems of control on arms production, exports and imports and of effective border and customs control aggravates the problem of illicit trafficking. So does inconsistency between national legislative and enforcement measures relating to possession of arms and the import and export of arms. The EU is of the view that stronger regulations and international coordination and cooperation are called for. In this context, consideration should be given to finding ways to establish effective norms for better control of small arms and their transfers, such as adequate requirements for marking, transparency and licensing of brokering.

There are numerous initiatives under way that can contribute to solving the problem of trade in illicit arms. In May 1996 the Disarmament Commission adopted "Guidelines for international arms transfers", the first effort to approach the problem in a comprehensive manner.



It encouraged further international initiatives. The EU also welcomes the adoption by the Disarmament Commission in April of this year of guidelines on conventional arms control/limitation and disarmament, with particular emphasis on consolidation of peace. The Brussels Conference on Sustainable Disarmament for Sustainable Development, held in October 1998, calls for an International Programme of Action on Practical Disarmament and Peacebuilding to, *inter alia*, integrate measures to combat illicit arms trafficking in all its aspects (the Brussels Call for Action). The EU welcomes the entry into force of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials which serves as a basis for the draft firearms protocol supplementary to the draft convention against transnational organized crime. The EU reaffirms its support for the moratorium on the importation, exportation and manufacture of light weapons by ECOWAS member States. In southern Africa, the Institute for Security Studies and SafeWorld held in May 1998 a conference on developing controls on arms and illicit trafficking which adopted a regional action programme on small arms and light weapons and illicit arms trafficking. The EU/SADC Ministerial Conference, held in Vienna in November 1998, endorsed the conclusions of the conference and the follow-up action. The International Criminal Police Organization (Interpol) is actively pursuing its efforts in the fight against the criminal use of firearms. The EU also underlines the contribution of the non-governmental organizations community to efforts to deal with the small arms problem.

Bearing in mind Security Council resolution 1209 (1998) on the situation in Africa, illicit arms flows to and in Africa, and recalling the EU Code of Conduct on Arms Exports and the EU Joint Action on Small Arms, the Presidency of the EU issued a declaration on 18 June 1999 on behalf of the EU on the arms trade to and within the Great Lakes region. In the declaration the EU expresses its concern over arms flows to the region and its commitment to conflict resolution and peace-keeping efforts, underlining that in the search for a long-term solution to conflicts, high priority should be given to measures which curb arms supplies, their illicit circulation and the illicit trafficking which finances them. The EU stresses the importance of comprehensive reports on arms trafficking in conflict areas, such as the report on arms trafficking to and within Rwanda. The EU considers that, in the light of the current security situation, it would be useful to prepare a new report on the arms trafficking situation in the Horn of Africa.

The EU will actively pursue international efforts to stop the human suffering caused by the destabilizing accumulation and spread of small arms and light weapons, including illicit trafficking in small arms. The EU underlines that all Governments should commit themselves to policies consistent with the goal of achieving a sustainable solution to the problem and take effective and practical steps to that end.

### Kyrgyzstan

1. A study of the activities of Kyrgyzstan's internal affairs organs showed that a certain segment of the population is in possession of a considerable quantity of small arms. There are a number of reasons for this phenomenon, in particular:

- (a) Small arms entering Kyrgyzstan from hot spots in countries of the Commonwealth of Independent States (Tajikistan, northern Caucasus);
- (b) Recent upsurge in the activities of armed religious extremist groups;
- (c) Theft of weapons in military units;
- (d) Internal affairs organs have insufficient strength and lack adequate means of monitoring the possession of small arms by the population.

2. The large number of small arms in Kyrgyzstan makes them easily accessible to many criminals and also to individual citizens.

In 1998 and the first four months of 1999, Kyrgyzstan's investigatory bodies instituted 495 criminal proceedings involving illegal possession or theft of small arms, ammunition and explosives; 91 (40 in 1999) crimes involving their use were suppressed. A significant number of such crimes took place in Bishkek and Chu regions (24.1 per cent and 43.9 per cent, respectively, of the total number of crimes of this kind committed).

During the period from 1997 to 1999, 2,194 small arms of various types were confiscated in Kyrgyzstan, including:

|          |   |
|----------|---|
| In 1997: | 983, of which 100 were rifle-barrelled weapons;   |
| In 1998: | 1,018, of which 118 were rifle-barrelled weapons; |
| In 1999: | 292, of which 22 were rifle-barrelled weapons.    |

Of the total number of weapons confiscated, 28.1 per cent came from Issyk-Kul region, 26.4 per cent from the city of Bishkek, and 26.7 per cent from Osh and Djalal-Abad regions.

3. Units of internal affairs organs are currently making efforts to combat illicit traffic in small arms. In accordance with the provisions of the Inter-State Programme of Joint Measures to Combat Organized Crime and Other Dangerous Crimes in the Territory of the Countries Members of the Commonwealth of Independent States to the Year 2000, the Ministry of Internal Affairs of Kyrgyzstan, together with other countries members of the Commonwealth, took measures to suppress the illicit manufacturing of and trafficking in arms and explosives.

The measures taken point to numerous problems in Kyrgyzstan with regard to the storage, transport and inventory of, and trade and illicit traffic in small arms.

4. There is urgent need for a computerized collection of information on the sale and confiscation of small arms and ammunition. Unfortunately, the inventories kept by criminal investigatory bodies (“bullet-and-shell files”) do not meet current needs. Antiquated methods are used to process the information contained in the inventories, which makes it difficult to uncover crimes. In this regard, it is essential that Kyrgyzstan develop and implement an experimental project on the creation of an automated data-search system including (computers equipped with the relevant programmes for expert criminal-investigation services; training of personnel). The United Nations could provide assistance in mobilizing the financial resources required.

5. With a view to prohibiting illicit traffic in small arms and the ammunition for them, all States should adopt a law on weapons that would create a system for monitoring arms in its territory and establish rules concerning the production, sale, acquisition, repair, inventory, storage, bearing, import, export and use of arms.

6. Deliveries of small arms and their ammunition should be strictly monitored by Governments in accordance with inter-State and intergovernmental agreements and treaties. There should also be an established procedure requiring Governments to report such deliveries to the appropriate international organizations.

7. The role of the United Nations in collecting, collating, sharing and disseminating information on illicit traffic in small arms should be to inform interested States, with a view to ensuring the security of the region; and to

take appropriate action against States that violate agreements and treaties at various levels.

## **Singapore**

1. The magnitude and scope of illicit trafficking in small arms has reached dangerous proportions in certain regions of the world. Singapore is fortunate not to be thus afflicted. However, we recognize the humanitarian consequences that result from the problem of illicit trafficking in small arms in afflicted regions and believe that the international community should focus its efforts on reducing the problem in afflicted regions.

2. To combat the illicit trafficking in and illicit circulation of small arms, individual countries ought to adopt responsible export policies, such as exporting small arms only to governmental agencies. Within a country, there should be strict laws to prevent the proliferation of small arms in society. For example, there should be effective legal and administrative controls governing licensing and possession of small arms; those should be accompanied by detailed and reliable national records on small arms transfers and national holdings. Further, national stocks of small arms should be kept in a safe and secure manner, and there should be responsible policies on the disposal of surplus arms. Such measures should take into account the special needs and societal conditions of each afflicted country.

3. The United Nations ought to be the focal point for the international community’s efforts in dealing with the small arms problem. It should play a central role in collecting, collating, sharing and disseminating information on illicit trafficking in small arms. By so doing, the United Nations will have a comprehensive view of the small arms problem and be in the best position to coordinate the efforts of member States in tackling the problem.

## **South Africa**

It is the view of South Africa that the purpose of General Assembly resolution 53/77 T, entitled “Illicit traffic in small arms”, is to authorize the Secretary-General to hold broad-based consultations not only with Member States but also with interested regional and subregional organizations, international agencies, and experts in the field and, taking into account the reports by the Group of Governmental Experts on Small Arms and the Group of Experts on ammunition and explosives, to provide Member

States with a global picture of the magnitude and scope of illicit trafficking in small arms.

In order to avoid unnecessary duplication and the waste of valuable resources, it is important to coordinate national, regional and international initiatives focusing on the proliferation of small arms and light weapons. In that the United Nations plays a central role.

The results of the Secretary-General's broad-based consultations will assist Member States to make a decision at the fifty-fourth session of the General Assembly on the objectives and scope of an international conference on illicit trade in small arms in all its aspects and to decide what more should be done to address the problem.

The Secretary-General's consultations should focus on all possible national, regional and international measures to combat illicit trafficking in and circulation of small arms, including those suited to indigenous regional approaches, and should provide an assessment of the role of the United Nations in collecting, collating, sharing and disseminating information on illicit trafficking in small arms — for example, on the establishment of a database on illicit trafficking in small arms.

#### **Broad-based consultations**

The mechanism for conducting the consultations should not be limited to requests from the Department for Disarmament Affairs for Member States to provide their views; it should also be based on the participation of the Department in regional and subregional initiatives.

Given the mandate provided in the resolution, consultations should also be held with regional/subregional groups and organizations which take interest in or have taken action on or are likely to get involved with matters pertaining to illicit arms traffic. To that end, the Secretary-General could consult with groups and organizations such as the European Union, through its Joint Action on Small Arms; the Organization of American States, through its Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and other Related Materials; the Organization of African Unity (OAU); the Southern African Development Community (SADC); the Economic Community of West African States (ECOWAS) and the Association of Southeast Asian Nations (ASEAN).

Consultations should also be held with research institutes, specialized groups and non-governmental organizations in the field of small arms and light weapons.

Consultations should be held with specialized agencies such as INTERPOL (Lyon); the Southern African Regional Police Chiefs Coordinating Committee; the Centre for International Crime Prevention, within the framework of the Commission on Crime Prevention and Criminal Justice; and the World Bank.

#### **Magnitude and scope of illicit trafficking in small arms in South Africa**

The South African Government's general position on the proliferation of small arms and light weapons has been circulated as document A/53/169/Add.3, in pursuance of resolution 52/38 J, in which Member States were requested to submit views on the Secretary-General's report on small arms and on the steps taken to implement the recommendations contained therein, and in particular, to provide views concerning the convening of an international conference on illicit trade of small arms in all its aspects.

Small arms proliferation in South Africa falls into two different groups — namely, illegal or illicit small arms, and legal arms. Both contribute to the problems associated with the proliferation of such weapons.

#### *Legal arms*

The main cause of the proliferation of legal small arms in South Africa is the level of violent crime, resulting in people purchasing arms for self-defence. Currently there are some 4.2 million arms registered in some 2.3 million persons' names. Of these 1.2 million are rifles; 0.4 million, shotguns; and 2.6 million, handguns. Applications for licences to possess firearms are received at an average rate of 18,000 per month. Since 1994 licences were issued for the following number of civilian small arms (firearms): 1994: 236,602; 1995: 242,241; 1996: 200,832; 1997: 200,913.

Arms in legal possession are being stolen at a rate of approximately 20,000 per year. From 1 April 1993 until 28 February 1998 the total number of small arms (firearms) stolen was 89,963, and 7,556 were lost. Since 1995 the figures are: 1995: 15,644 stolen and 1,079 lost; 1996: 18,591 stolen and 1,569 lost; 1997: 26,215 stolen and 4,260 lost. The recovery rate of these arms was 10,947 in 1995, 13,640 in 1996, and 8,120 in 1997.

#### *Illegal arms*

The flow of illegal arms into South Africa occurs mainly across its borders with neighbouring States. However, it is believed that, as a source for the criminal element in South Africa, the neighbouring States are not

as important as private individuals, from whom arms are stolen.

The South African Police Service seized the following number of firearms from 1993-1997:

|              |                        |
|--------------|------------------------|
| 1993: 9,700  | (1,386 assault rifles) |
| 1994: 11,647 | (1,589 assault rifles) |
| 1995: 16,291 | (1,392 assault rifles) |
| 1996: 18,154 | (1,169 assault rifles) |
| 1997: 15,221 | (803 assault rifles)   |

In 1997 24,588 murders were committed in South Africa, of which 11,186 were committed with firearms.

### **National and regional measures to combat illicit trafficking in and illicit circulation of small arms and light weapons**

#### *National measures*

The South African Government has declared that combatting the proliferation of small arms (firearms) is the South African Police Service's (SAPS) highest priority. A coherent strategy for dealing with the proliferation of small arms has been developed. It is an integral and holistic approach for introducing stricter control measures and eventually removing the causal factors of proliferation so as to stop the inflow of illegal arms; preventing arms in legal possession from becoming illegal, through theft and robbery; mopping up the existing pool of arms and educating South Africans in the possession of arms. A national firearms plan is being implemented in terms of the strategy, with the objective of reducing the number of illegal small arms in circulation and reducing the flow of illegal weapons into South Africa. It also attempts to ensure the lawful and proper use of licensed firearms and encourages legislative amendments aimed at tightening up the issuance of licences and reducing the losses from legal owners.

In addition, South Africa is committed to a policy of responsibility and accountability in the trade and transfer of all arms. South Africa has established an arms control system that includes a ministerial control body (National Conventional Arms Control Committee) plus criteria, principles and guidelines to ensure the responsible transfer of and trade in, *inter alia*, small arms and light weapons.

The South African Government has adopted a policy on the destruction of surplus small arms. The policy stems from the Government's grave concern about the proliferation of small arms and its devastating effect on socio-economic development and the reconstruction of civil societies in southern Africa. In accordance with the policy,

the South African Police Service on 6 October 1997 melted down 20 tons of firearms (4,504 confiscated firearms) which included pistols, revolvers, rifles, shotguns and home-made firearms with an estimated commercial value in excess of 2 million rand (US\$ 330,000). Subsequently the South African Police Service destroyed an additional 11 tons of confiscated ammunition and 10 tons of confiscated small arms, nine tons of obsolete/outdated ammunition and 20 tons of redundant/obsolete small arms.

In February 1999 the South African Government decided to dispose of all State-held redundant, obsolete, unserviceable and confiscated semi-automatic weapons of a calibre smaller than 12.7 mm, by destroying them. This decision was taken in accordance with the Secretary-General's report on small arms (A/54/298, of 27 August 1997), which recommended that all States should consider destroying surplus small arms.

When the destruction takes place, it will be public, and media representatives will be invited. It is estimated that by the end of 1999, South Africa will have destroyed 262,667 of the redundant, obsolete, unserviceable and confiscated small arms of various calibres currently stored by the Department of Defence. The arms that will be destroyed will include 7.62 mm R1, R2 and M1 rifles of assorted configurations, Bren light machine guns, Vickers machine guns, and Uzzi submachine guns.

The South African Police Service is also taking concrete action to address the problem of illicit trafficking in small arms. It includes training and briefing members of the Border Police and Dog Units; preparing a new curriculum for a course in illegal firearms investigations; training members to etch serial numbers on firearms; and initiatives to ensure that the issuing of export permits are centralized by the Central Firearms Register.

In addition, SAPS has taken and will continue to take steps to address the problem regionally, through trilateral meetings with Swaziland and Mozambique in order to exchange information and come up with joint initiatives; joint monitoring operations with Swaziland and Mozambique, concentrating on the border posts and border areas; and the training of Mozambique policemen and parks border officials.

SAPS has established a specialized unit to address the illegal possession of firearms and explosives; illegal importing and distribution of firearms and explosives; illegal domestic manufacturing of firearms and explosives; illegal export of firearms and explosives; illegal use of firearms and explosives; dealing in firearms and

explosives; and the origin of illegal firearms and explosive devices.

#### *Subregional measures*

Since the South African Government is committed to stopping the flow of illegal small arms across South Africa's borders, it has already entered into agreements with several southern African States with a view to curbing the trafficking. Bilateral agreements have been signed with Mozambique and Swaziland to address cross-border crime. These agreements provide for joint investigations and the exchange of information between the respective police forces. Several joint operations have been conducted between the three countries at both the grass-roots and national levels. Approximately 60 successful ad hoc ground-level joint operations have been concluded between Mozambique and South Africa alone.

The bilateral agreement with Mozambique has led to the first joint operation for the destruction of uncontrolled arms/explosives caches in Mozambique, known as Operation Rachel. Since 1995, the South African Government has funded four official Rachel operations in which approximately 450 tons of arms and ammunition were destroyed. Since Mozambique is a vast country stretching up the east coast of Africa, with many uncontrolled weapons caches, it is foreseen that several more operations will be carried out in the future. This obviously depends on availability of information, the situation on the ground and funds for future projects.

#### *Regional initiatives*

As was the case with international efforts to ban landmines, which ultimately led to the adoption and entry into force of the Mine Ban Treaty, a strong and decisive position by the Organization for African Unity (OAU) is crucial to the success of any international initiative to address the problems associated with the proliferation of small arms and light weapons. For this reason, the 1998 meeting of OAU Heads of Government, acting on a South African proposal, adopted a decision concerning the proliferation of small arms and light weapons in Africa. The decision reiterated the urgency and the need for inter-African cooperation in the search for solutions to the problems posed by the proliferation and stressed the primary role that the OAU should play in the coordination of relevant efforts. It also urged the OAU Secretary-General to gather from member States the fullest possible information on the scope of the proliferation and steps taken to deal with it. In preparation for the 1999 OAU Summit, which will be held in Algeria, South Africa considers it important for the OAU to endorse the

convening in 2000 of a continental conference of African experts on small arms. The objective of the conference should be to discuss the problem of small arms and light weapons in Africa and make recommendations on actions to be taken.

South Africa welcomes the initiative taken by the Department for Disarmament Affairs to organize a workshop on illicit traffic in small arms, under the auspices of the United Nations Regional Centre for Peace and Disarmament in Africa and will actively participate in it.

#### **Role of the United Nations in collecting, collating, sharing and disseminating information on illicit trafficking in small arms**

Although the Secretary-General designated the Department for Disarmament Affairs as a focal point to coordinate all action on small arms within the United Nations system, other United Nations departments and agencies should continue to play an active role in addressing the problem within their areas of specialization. Increased cooperation and coordination are important, and South Africa therefore welcomes the establishment of the Coordinating Action on Small Arms (CASA) as a coordinating mechanism and encourages its ongoing initiatives related to illicit trafficking in small arms. Relevant United Nations bodies, departments and specialized agencies involved in addressing illicit trafficking in small arms should include:

(a) Security Council — the impact of illicit trafficking in small arms on international peace and security and methods to address this problem, especially in post-conflict situations;

(b) General Assembly, First Committee — a number of resolutions address the issue. At its fifty-fourth session, the General Assembly will make a final decision on an international conference on the illicit trade in small arms in all its aspects;

(c) Disarmament Commission — the "Guidelines on conventional arms control/limitation and disarmament", adopted at the 1999 session;

(d) Department for Disarmament Affairs, United Nations Secretariat — coordination of all action on small arms, provision of specialist support, development of a database on illicit trafficking in small arms;

(e) Department for Peacekeeping Operations, United Nations Secretariat — demilitarization, disarmament, integration of former combatants;

(f) United Nations Development Programme — effect of illicit trafficking in small arms on the socio-economic development of developing countries;

(g) United Nations Children's Fund — effect of illicit trafficking in small arms on women and children, especially in developing countries;

(h) Centre for International Crime Prevention, within the Commission on Crime Prevention and Criminal Justice — efforts to elaborate an international convention against transnational crime, including a protocol to combat the illicit manufacture of and trafficking in firearms.

Through an integrated and coordinated approach, the United Nations Secretariat could collect, collate, share and disseminate information to member States on illicit trafficking in small arms by, *inter alia*:

(a) Establishing a database on illicit trafficking in small arms;

(b) Identifying areas of heavy geographical concentration of weapons supplied during periods of war;

(c) Identifying known "weapons supply lines" and modalities of illicit arms trafficking;

(d) Maintaining a publicly available register on the legal trade in small and light weapons;

(e) Providing technical and financial expertise, if so required, for the conversion or destruction of surplus stocks of weapons;

(f) Coordinating the expertise needed to collect and destroy arms collected as a result of United Nations peacekeeping operations;

(g) Providing technical expertise and advisory assistance in the elaboration of subregional and regional registers by appropriate subregional and regional organizations;

(h) Identifying international arms merchants and their activities;

(i) Publishing lists of authorized arms trading companies;

(j) Developing an international standard for the marking of weapons and ammunition;

(k) Developing an international standard for end-user certificates;

(l) Publishing information on violations of end-user certificate provisions, including names of companies, countries and individuals involved in unauthorized retransfer of weapons to third parties.

## Uruguay

The resolution introduced by South Africa during the fifty-third session of the General Assembly prepared the ground for a thorough discussion of national, regional and international measures to combat illicit trafficking in and circulation of small arms.

Uruguay will evaluate and address the possibility of establishing global consultations not only among member States but also with regional organizations, such as the Organization of American States, the Rio Group and MERCOSUR, international agencies and experts in the field, including the Group of Government Experts on Small Arms and the Group of Experts on ammunition and explosives.

The United Nations has a pivotal role to play in coordinating measures and initiatives at the national, regional and international level.

It is necessary that organs other than the Department for Disarmament Affairs should take part in these efforts. Other organs and agencies could be of invaluable support. The General Assembly, as well as the Security Council, the Department of Peacekeeping Operations, UNICEF and the Commission on Crime Prevention and Criminal Justice should be encouraged to participate.

Establishing a database to record illicit traffic in small arms (as exists in OAS regarding terrorism) would be a healthy measure.

The Government of Uruguay is deeply concerned over the link between illicit traffic in small arms and narco-traffic. The Government has encouraged the adoption of the Alliance for a Uruguay Free of Drugs, in the hope of reducing violence and civil delinquency, leading to a decrease in the acquisition and possession of small arms and illicit traffic in them.

The destruction by Governments of surplus small arms is essential for combating traffic in small arms.

An effective customs authority is crucial for maintaining an accurate survey of arms that transcend national boundaries. This must be established through adequate training and technical support, in order to avoid illicit traffic.

A better use of scarce resources calls for active coordination on the part of the international community, and Uruguay warmly supports the Initiative to convene an international conference on small arms during the year 2001. It should address this important issue in all its aspects.

## Annex II

### **Questionnaire prepared by the Department for Disarmament Affairs for the United Nations regional workshops in Lima, Peru, and Lomé, Togo**

*Note: The following questions are intended to serve as general guidelines. Member States are encouraged to provide additional information*

1. How would you assess the magnitude and scope of the phenomenon of illicit trafficking in small arms?
  - Estimates of the number and types of weapons in circulation.
  - Original sources of procurement.
  - National regulations for the ownership of private weapons.
  - National arrangements for control of transboundary traffic in contraband goods (e.g., guns, drugs, precious stones).
  - Linkages between crime, violence and illicit arms traffic.
  - Areas which have become conduits for illicit arms transfers.
  - Information available about illicit arms transfers in violation of arms embargoes, national regulations, or bilateral or other arrangements for controlling of transboundary movement in contraband goods.
2. In your estimation, what are possible measures for combating illicit trafficking in and illicit circulation of small arms — including measures suited to indigenous regional approaches — and how can they be implemented?
  - Moratoria on the importation, exportation and manufacture of small arms and light weapons (such as the ECOWAS moratorium).
  - Local and national destruction of all surplus small arms.
  - Establishment of national, subregional and regional registers of small arms.
  - Training and technical support for customs officials, border police and other authorities responsible for controlling arms transactions.
  - Measures against mercenaries/private security companies.
  - Measures to control arms brokers and shipping agents.
  - Measures to register air cargo companies and certify their shipments.
  - Submission of flight plans of arms transport firms.
  - Legislation against the use of false end-user certificates, shipping documents, cargo manifests and flight plans as a crime under national law.
  - Other measures.
3. In your view, what is the role of the United Nations in collecting, collating, sharing and disseminating information on illicit trafficking in small arms?
  - Identify areas of heavy geographical concentration of weapons supplied during the cold war.

- Identify known “weapons pipelines” and modalities of illicit arms trafficking.
  - Maintain a publicly available register on small arms and light weapons.
  - Provide technical and financial expertise for the conversion or destruction of surplus stocks of weapons.
  - Provide technical expertise and advisory assistance in the elaboration of subregional and regional registers by appropriate subregional and regional organizations.
  - Publicly identify international arms merchants and their activities.
  - Publish lists of authorized arms trading companies.
  - Develop an international standard for the marking of weapons and ammunition.
  - Develop an international standard for an end-user certificate which cannot be forged.
  - Publish information on violations of end-user certificate provisions, including names of companies, countries and individuals involved in unauthorized retransfer of weapons to third parties.
  - Other measures.
-