



Security Council

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Small arms

Report of the Secretary-General

Summary

The present report reflects initiatives undertaken to implement the recommendations of the Secretary-General on ways and means in which the Security Council could contribute to dealing with the question of illicit trade in small arms and light weapons in situations under its consideration.

I. Introduction

1. The present report is submitted pursuant to the last paragraph of the statement by the President of the Security Council of 31 October 2002,¹ whereby I was requested to submit a report to the Council on the implementation of all the recommendations contained in my report on small arms² on ways and means in which the Security Council could contribute to dealing with the question of the illicit trade in small arms and light weapons in situations under its consideration. The present report has been prepared by the Department for Disarmament Affairs in cooperation with the Department of Political Affairs, the Department of Peacekeeping Operations and the International Criminal Police Organization (Interpol).

II. Actions undertaken

Recommendation 1

The Security Council may wish to call upon Member States to support efforts aimed at developing an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons.

2. In the statement by its President of 31 October 2002,¹ the Security Council welcomed the establishment of the United Nations Group of Governmental Experts with a mandate to examine the feasibility of developing an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons. The Group was established by the Secretary-General³ pursuant to General Assembly resolution 56/24 V of 24 December 2001, entitled "The illicit trade in small arms and light weapons in all its aspects".

3. The Group adopted by consensus a report that examined the nature and scope of the problem posed by illicit small arms and light weapons; described the existing international and regional initiatives on marking, tracing and keeping records on these weapons; and discussed the technical, legal and policy issues associated with tracing.⁴ The report concluded that it was feasible to develop an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons. It further recommended that the General Assembly take a decision at its fifty-eighth session on the negotiation of such an instrument.

4. At its fifty-eighth session the General Assembly adopted resolution 58/241 of 23 December 2003, entitled "The illicit trade in small arms and light weapons in all its aspects", by which it welcomed the report of the Group and decided to establish an open-ended working group to negotiate an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons.

Recommendation 2

Member States should be called upon to use as required, and to provide technical and financial support to, the Interpol Weapons and Explosives Tracking System.

5. Following its open debate on small arms,⁵ the Security Council, in the statement by its President of 31 October 2002,¹ inter alia, welcomed the identification of arms traffickers who have violated the arms embargoes established by the Council and called upon Member States to impose appropriate penalties on arms traffickers who have violated its arms embargoes and to provide technical and financial support to the Interpol Weapons and Explosives Tracking System (IWETS).

6. In this connection, it is worth mentioning that a feasibility study by an international IWETS project team has been completed and is presently being reviewed by the Interpol secretariat. Additionally, a technical evaluation is being made to determine the best method to integrate the IWETS application with other Interpol communication systems to ensure that Member States are provided with a usable tool to fight terrorism and criminal activities.

7. The IWETS project team is still utilizing the initial funds provided by the United States of America for the feasibility study. Additionally, the Interpol secretariat has provided supplemental funding. Other than the United States of America, no United Nations Member State has been called upon to provide funding or technical assistance. It is anticipated that additional funding will be required in the future to make IWETS available to Member States.

8. At the United Nations First Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, held in July 2003 at United Nations Headquarters in New York, a number of States noted the need to strengthen the capacity of Interpol to assist in enhancing information exchange and collaboration between customs officials and the police.⁶

Recommendation 3

Member States that are in a position to assist the Secretariat in establishing the small arms advisory service, on the basis of extrabudgetary resources, should be encouraged to do so.

9. The Under-Secretary-General for Disarmament Affairs, in his statement during the open debate of the Security Council on the question of small arms held on 11 October 2002,⁵ emphasized the critical role that the United Nations had played in placing the issue of small arms and light weapons on the international agenda, which led to the adoption of the Programme of Action at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in July 2001. The Under-Secretary-General also pointed out that the initiatives undertaken by States and civil society in implementing the Programme of Action have placed added pressure on the limited resources of the United Nations. Consequently, the Under-Secretary-General informed the Security Council that the Secretariat intended to establish a small arms advisory service within the Department for Disarmament Affairs, on the basis of extrabudgetary resources. The main purpose of that service is to enhance the effectiveness of the Coordinating Action on Small Arms (CASA)

mechanism, thereby enhancing the ability of the United Nations to assist Member States in the implementation of the Programme of Action. The small arms advisory service will serve as a permanent secretariat to CASA, which will optimize the mechanism's performance as both an inter-agency coordinating body and a service provider to Member States and the general public.

10. In the statement by its President of 31 October 2002,¹ the Security Council recognized the important role that the United Nations CASA mechanism could play in assisting Member States with the implementation of the Programme of Action and noted the proposal of the Secretariat to create the small arms advisory service. Some Member States have engaged in consultations with the Department for Disarmament Affairs with regard to the specific modalities of support for the establishment of the service.

Recommendation 4

The Council may wish to consider means by which its interaction with the General Assembly on issues relating to small arms might be enhanced, so as to promote the further development of long-term strategies to halt the scourge of the illicit proliferation of small arms within the framework of international efforts aimed at conflict prevention and peace-building, and in the context of the Programme of Action adopted at the July 2001 United Nations Conference on small arms.

11. In the statement by its President of 31 October 2002,¹ the Security Council stressed the importance of further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons and called upon States that have not already done so to establish, where applicable, a national register of arms brokers and, in the case of the supply of arms to embargoed destinations, of intermediary firms, including transport agents.

12. Following the issuance of that Presidential statement, the General Assembly, in its resolution 57/72 of 22 November 2003, entitled "The illicit trade in small arms and light weapons in all its aspects", decided to consider at its fifty-eighth session further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons, taking into consideration the views of States.⁷ At its fifty-eighth session, the Assembly, in paragraph 11 of its resolution 58/241, 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 further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons, taking into consideration the views of States. The Secretary-General was also requested to report on the outcome of his consultations to the General Assembly at its fifty-ninth session.

13. The issue of end-user certificates (see recommendation 9 below), which was emphasized in the statement by the President of the Security Council of 31 October 2002,¹ was earnestly raised for the first time by Member States during the debate of the First Committee; however, no concrete actions have yet ensued from those discussions.

Recommendation 5

Member States should be called upon to enforce all Council resolutions on sanctions, including those imposing arms embargoes, in accordance with the Charter of the United Nations, and to bring their own national legislation into compliance with the Council's measures on sanctions. The Council may also wish to call upon all Member States to continue to make available to the appropriate United Nations bodies all pertinent information on any alleged violations of arms embargoes and to take appropriate measures to investigate such allegations.

14. Arms embargoes continue to be the most frequent sanctions measure imposed by the Security Council. Arms embargoes have, however, proved to be extremely difficult to enforce. The monitoring groups and panels of experts established by the Security Council to monitor the implementation of these measures frequently report on the lack of compliance by Member States due to inadequate legislation, lack of enforcement or technical capacity limitations. The Council may therefore wish to consider steps that could assist Member States in their implementation of the mandatory measures.

Recommendation 6

The Council is strongly encouraged to continue its efforts aimed at identifying the links between the illicit trade in small arms and light weapons and the illicit exploitation of natural and other resources, as well as the trade in illegal drugs, and to develop innovative strategies to address this phenomenon. In this connection, careful consideration should be given to the findings and recommendations of the bodies established to investigate such links, including the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo, the Panel of Experts on Liberia and the Monitoring Mechanism on Sanctions against UNITA.

15. In its report of 25 March 2003,⁸ the Panel of Experts on Somalia asserted that the earnings from the khat trade in Somalia were intricately linked to the conflict and that the faction leaders had developed interests in the khat trade in part because it helped to finance their acquisition of weapons and keep their troops loyal. The Panel further reported on the sale of Somali charcoal to the Gulf States, a trade that was causing tremendous environmental damage, and that most of the profits from that trade were retained by faction leaders. The Panel of Experts did not provide any specific recommendations in its report on how these problems could be addressed.

16. Pursuant to Security Council resolution 1478 (2003) of 6 May 2003, the Panel of Experts on Liberia submitted two reports to the Committee established pursuant to resolution 1343 (2001) concerning Liberia, which were subsequently transmitted by the Committee to the Council.⁹ Those reports contain a series of recommendations aimed at breaking the link between certain commercial activities involving natural resources and the fuelling of conflict. The Committee carefully considered those recommendations, and the Chairman will soon convey the Committee's views on them to the Council in order to assist it in its review of the sanctions measures concerning Liberia.

Recommendation 7

The Council is encouraged to call upon relevant parties to conflicts under its consideration to recognize the importance of activities related to disarmament, demobilization and reintegration in post-conflict situations, and of including such measures in the text of negotiated agreements. The Council is also urged to include in the mandate of peacekeeping operations clear provisions regarding the disarmament, demobilization and reintegration of former combatants, as well as specific measures for the collection and disposal of illicit and/or surplus small arms and light weapons.

17. The Security Council has focused considerable attention on disarmament, demobilization and reintegration programmes in peacekeeping missions. The Council has consistently called on the parties to the conflicts under its consideration to recognize the importance of disarmament, demobilization and reintegration activities, while continuing to focus on the associated political, security, economic and social factors at the national, regional and international levels. This comprehensive approach should be maintained, since disarmament, demobilization and reintegration operations are more likely to succeed in the presence of political mechanisms to manage the differences that might arise between the parties to a peace agreement, and if the regional dimensions of a conflict are recognized and contained, particularly the illicit trade in small arms and light weapons.

18. The Security Council, in the declaration annexed to its resolution 1467 (2003) of 18 March 2003 on the item entitled "Proliferation of small arms and light weapons and mercenary activities: threat to peace and security in West Africa", called on relevant parties to conflicts in West Africa to recognize the importance of activities related to disarmament, demobilization and reintegration in post-conflict situations and of including such measures in the text of negotiated agreements, as well as specific measures for the collection and disposal of illicit and/or surplus small arms.

19. From November 2002 to November 2003, the Security Council considered the issue of disarmament, demobilization and reintegration programmes in Afghanistan, Côte d'Ivoire, the Democratic Republic of the Congo, Liberia and Sierra Leone. In the resolutions referred to below, the Council stressed the need for early and full implementation of the disarmament, demobilization and reintegration programmes by national authorities and encouraged the international community to support the programmes:

Afghanistan

20. In its resolution 1510 (2003) of 13 October 2003, the Security Council stressed the importance of extending central Government authority to all parts of Afghanistan, of the comprehensive disarmament, demobilization and reintegration of all armed factions and of security sector reform, including the reconstitution of the new Afghan National Army and police.

Côte d'Ivoire

21. In its resolution 1514 (2003) of 13 November 2003, the Security Council reaffirmed the need for the Government of National Reconciliation to commit itself fully and immediately to the disarmament, demobilization and reintegration

programme, including the dismantling of militias, and to the restructuring of the armed forces.

22. In its resolution 1479 (2003) of 13 May 2003, the Security Council approved the establishment of a military liaison group whose tasks would include providing input to forward planning on disengagement, disarmament and demobilization and identifying future tasks, in order to advise the Government of Côte d'Ivoire and support the forces of France and of the Economic Community of West African States (ECOWAS). The Council also stressed the importance of an early start to the disarmament, demobilization and reintegration process.

Democratic Republic of the Congo

23. In its resolution 1445 (2002) of 4 December 2002, the Security Council stressed the importance of the voluntary nature of the disarmament, demobilization, repatriation, reintegration or resettlement of the armed groups referred to in annex A, chapter 9.1, of the Lusaka Ceasefire Agreement,¹⁰ which calls on the leaders and members of the armed groups to enter the process of disarmament, demobilization, repatriation, reintegration or resettlement, calls on all concerned to work to this end, emphasizes the need to intensify the public information efforts of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) in this regard and further calls on all parties to support these efforts.

24. In its resolution 1493 (2003) of 28 July 2003, the Security Council authorized MONUC to assist the Government of National Unity and Transition in disarming and demobilizing Congolese combatants who voluntarily decide to enter the disarmament, demobilization and reintegration process within the framework of the Multi-Country Demobilization and Reintegration Programme, pending the establishment of a national disarmament, demobilization and reintegration programme in coordination with the United Nations Development Programme and other agencies concerned.

Liberia

25. In its resolution 1509 (2003) of 19 September 2003, the Security Council decided that the United Nations Mission in Liberia (UNMIL) would have a mandate, inter alia, to develop as soon as possible, preferably within 30 days of the adoption of that resolution, in cooperation with the Joint Monitoring Committee, relevant international financial institutions, international development organizations and donor nations, an action plan for the overall implementation of a disarmament, demobilization, reintegration and repatriation programme for all armed parties, with particular attention to the special needs of child combatants and women and addressing the inclusion of non-Liberian combatants; and to carry out voluntary disarmament and to collect and destroy weapons and ammunition as part of an organized disarmament, demobilization, reintegration and repatriation programme.

26. In that resolution, the Security Council also called on Liberian parties to engage for the purposes of addressing the question of disarmament, demobilization, reintegration and repatriation on an urgent basis. It also urged them, in particular the transitional Government of Liberia and the rebel groups Liberians United for Reconciliation and Democracy and the Movement for Democracy in Liberia, to work with UNMIL, the Joint Monitoring Committee, relevant assistance

organizations and donor nations in the implementation of a disarmament, demobilization, reintegration and repatriation programme.

Sierra Leone

27. In its resolution 1470 (2003) of 28 March 2003, the Security Council urged the Presidents of the Mano River Union member States to resume dialogue and to implement their commitments to building regional peace and security, encouraged ECOWAS and Morocco to continue their efforts towards a settlement of the crisis in the Mano River Union region and expressed its support for the efforts of the International Contact Group on Liberia towards a resolution of the conflict in that country.

Burundi

28. At the early stages of the Burundi ceasefire negotiations, the United Nations Office in Burundi and the Department of Peacekeeping Operations jointly issued comprehensive guidelines, including draft guidelines for achieving an all-inclusive ceasefire agreement and a detailed outline on the Forces Technical Agreement. The Facilitator, the regional leaders and the belligerents conducted negotiations along those lines, which concluded with the signing of two separate ceasefire agreements involving the main armed groups, the Conseil national pour la défense de la démocratie — Forces pour la défense de la démocratie (CNDD-FDD) of Jean Bosco Ndayikengurukiye, the Parti pour la libération du peuple Hutu — Forces Nationales de libération (PALIPEHUTU-FNL) of Alain Mugabarabona and CNDD-FDD of Pierre Nkurunziza, on 7 October and 2 December 2002. Both agreements insisted on the importance of activities related to disarmament, demobilization and reintegration and the verification mechanism thereof, including cross-border aspects of the issue.

Guinea-Bissau

29. The Government undertook a disarmament, demobilization and reintegration programme funded through the World Bank administered Multi-Donor Trust Fund. Of a total of 11,300 combatants contemplated in the original reintegration plan under this programme, only the most vulnerable 4,372 have been selected, due to a funding shortfall.

30. Following a request for assistance made by the Government in 2000, in June 2002 the United Nations Peace-building Support Office in Guinea-Bissau (UNOGBIS) drew up a four-year action plan to collect illicit weapons. The plan, whose implementation cost is estimated at \$2.8 million, focused on technical assistance to draft the necessary legislation banning illegal possession of small arms and light weapons; a public awareness campaign carried out with the Government and non-governmental organizations; the voluntary collection of arms, including a limited-duration amnesty; and a vocational training and reinsertion programme. A National Commission against small arms and light weapons was created in mid-2002. Drafts of laws were prepared for the Government, a working document was drawn up, and the premises for the National Commission were identified. The documents were sent to the Government in December 2002, but the project stalled, probably because of a lack of political will and the subsequent incapacity of the caretaker Government that was in power from December 2002 to September 2003.

31. The project was raised again with the Prime Minister of the Transitional Government in October 2003, and the military unit is in touch with the National Commission regarding the resumption of the work.

32. The Security Council also addressed other elements critical to the success of disarmament, demobilization and reintegration programmes in the various countries, such as the regional dimension of conflicts, illicit transfers of small arms and light weapons, the use of child soldiers, the impact of the recruitment of women into armed groups, the issue of dependants in a disarmament, demobilization and reintegration programme and incorporating disarmament, demobilization and reintegration considerations into peace agreements and public information.

Recommendation 8

The Council is further encouraged to consider strengthening the financing of disarmament, demobilization and reintegration programmes through the expansion of measures covered under the budget for peacekeeping operations, thus ensuring that such activities are not entirely dependent upon voluntary contributions from Member States.

33. The actions outlined below were taken by the Security Council over the last 12 months in relation to the issue of the financing of disarmament, demobilization and reintegration operations.

34. In its resolution 1509 (2003), on the establishment of UNMIL, the Security Council called on the international donor community to provide assistance for the implementation of a disarmament, demobilization and reintegration programme and sustained assistance to the peace process, and to contribute to consolidated humanitarian appeals.

35. In its resolution 1470 (2003), on the extension of the mandate of the United Nations Mission in Sierra Leone, the Security Council expressed concern at the continuing financial shortfall in the Multi-Donor Trust Fund for the disarmament, demobilization and reintegration programme and urged the Government of Sierra Leone to seek actively the urgently needed additional resources for reintegration.

36. In its resolution 1445 (2003), on the peace process in the Democratic Republic of the Congo, the Security Council endorsed the interim funding mechanism described in paragraph 74 of the Secretary-General's special report on MONUC¹¹ for the voluntary disarmament, demobilization and reintegration of members of foreign armed groups, recognized the importance of addressing the repatriation of dependants along with the ex-combatants and called on the international community to provide the funds for this process.

Recommendation 9

The Council should encourage States that have not already done so to establish the necessary legislative or other measures, including the use of authenticated end-user certificates, to ensure effective control over the export and transit of small arms and light weapons.

37. In the statement by its President of 31 October 2002,¹ the Security Council reaffirmed the inherent right of individual or collective self-defence in accordance

with Article 51 of the Charter of the United Nations and, subject to the provisions of the Charter, the right of each State to import, produce and retain small arms and light weapons for its self-defence and security needs. Bearing in mind the considerable volume of licit trade in small arms and light weapons, the Council encouraged States to adopt legislative and other measures to ensure effective control over the export, import, transit, stocking and storage of small arms and light weapons. The Council urged Member States to consistently and responsibly use end-user certificates in their transfers of small arms and light weapons and called on States to establish an effective national end-user certificate system and to study the feasibility as appropriate of developing an end-user certificate system at the regional and global levels, as well as an information exchange and verification mechanism.

38. The Security Council also urged Member States, in its resolution 1460 (2003) of 30 January 2003, in accordance with the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, to take effective action through, inter alia, conflict resolution and the development and implementation of national legislation, in a manner which is consistent with existing responsibilities of States under relevant international law, to control the illicit trade of small arms to parties in armed conflict that do not respect fully the relevant provisions of applicable international law relating to the rights and protection of children in armed conflict.

39. Consequently, the Security Council, in the declaration annexed to its resolution 1467 (2003), called on the States of West Africa to consider the introduction of a standardized end-user certificate for imported weapons.

40. The Panel of Experts on Somalia, in paragraph 187 of its report submitted in accordance with paragraph 11 of Security Council resolution 1425 (2002) of 22 July 2002,¹² proposed that, in order to prevent the forging and abuse of end-user certificates and to assist arms export-control authorities, the United Nations create an Internet-based register of government officials — including examples of their certified signatures — who are authorized to sign end-user certificates.

41. The various monitoring groups and panels of experts tasked with assisting the sanctions committees in monitoring the implementation of the mandatory measures imposed by the Security Council have, in their reports, repeatedly stressed the importance of legislative or other measures to ensure effective control over the transit and export of small arms and light weapons to States, non-State actors and individuals targeted by arms embargoes.

42. As indicated in the reports submitted to the Security Council sanctions Committee on Al-Qaida and the Taliban by Member States that are parties to international export control regimes such as the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, significant steps have already been taken towards enhanced regional and international collaboration concerning arms exports through the standardization and harmonization of legislation on export controls and the enhancement of transparency concerning production and licensing. Several States also reported taking additional measures, such as post-shipment verification of exports and double checks on the authenticity of end-user certificates, in order to prevent the diversion of sensitive goods to members of the Al-Qaida network.

43. Fifty-seven out of the 98 States that reported to the United Nations First Biennial Meeting of States to Consider the Implementation of the Programme of Action indicated that they already had export-import control laws in place prior to 2001, while 21 States either adopted or revised such laws after 2001 or were in the process of adopting them. Moreover, 27 countries met end-user certificate requirements prior to 2001, and another 12 countries have introduced such systems since 2001. At the same time, it was noted that regulations on brokering remain to be implemented in most countries, with domestic regulations covering brokers and/or brokering activities existing in only about 16 countries.⁵

44. Pursuant to operative paragraph 5 of General Assembly resolution 57/72, in which the Assembly requested the Secretary-General to continue to collate and circulate data and information provided by States on a voluntary basis, including national reports on the implementation of the Programme of Action, several States have made available to the Department for Disarmament Affairs copies of end-user certificates employed and the national regulations applicable to them, as well as their national legislation on small arms and light weapons.¹³

45. During the fifty-eighth session of the General Assembly, a number of Member States noted the need for further substantive work on export controls as a means to curtail the illicit trade in small arms and light weapons. Some States also expressed interest in studying the feasibility, as appropriate, of developing an end-user certificate system at the regional and global levels, as well as an information exchange and verification mechanism.

Recommendation 10

The Council is called upon to pursue more vigorously and expeditiously the use of arms embargoes, under Article 41 of the Charter of the United Nations, to countries or regions threatened by, engaged in or emerging from armed conflict, and to promote their effective implementation. The Council is also called upon to give particular attention to the restriction of the supply of ammunition suitable for weapons already extensively available in such countries and regions.

46. At its 4713th meeting, held on 25 February 2003, the Security Council heard a briefing by the Swedish State Secretary for Foreign Affairs, Hans Dahlgren, on the results of the Stockholm Process on the Implementation of Targeted Sanctions.¹⁴ The findings, including those on arms embargoes, were presented in a handbook entitled "Making Targeted Sanctions Effective — Guidelines for the Implementation of UN Policy Options". They were the result of a process, initiated by the Swedish Government, that took more than a year and in which Government officials, non-governmental organizations, the United Nations Secretariat, regional organizations and international institutions were engaged, as well as academics and experts in the field of sanctions implementation. The results of the Stockholm Process included several recommendations on how to improve the implementation of arms embargoes.

47. The arms embargo on the territory of Afghanistan under Taliban control was first imposed by the Security Council through its resolution 1333 (2000) of 19 December 2000. By Security Council resolution 1390 (2002) of 16 January 2002, the arms embargo was extended to target Osama bin Laden, the Taliban and individuals and entities associated with them, including the Al-Qaida organization,

regardless of their location. In its second report to the Al-Qaida and Taliban sanctions Committee pursuant to paragraph 13 of resolution 1455 (2003) of 17 January 2003, submitted to the Committee on 3 November 2003,¹⁵ the Al-Qaida and Taliban Monitoring Group drew attention to the global scale of Al-Qaida's operations and suggested that the obligation of Member States to enforce the arms embargo should be coupled with enhanced regional and international cooperation aimed at preventing weapons and military materiel from being acquired by the Al-Qaida network. The Monitoring Group recommended that all States be encouraged to adopt, without delay, the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

48. The Security Council recognized the progress made in consolidating the peace process in Sierra Leone and decided not to renew its embargo against the import of rough diamonds from Sierra Leone without a valid certificate of origin, which expired on 4 June 2003. The Council has nevertheless maintained the arms embargo on non-State actors in Sierra Leone during its emergence from armed conflict.

49. In its report of 27 October 2003,¹⁶ the Panel of Experts on Somalia reported that large quantities of the weapons required for Somalia's desultory militia warfare were already available throughout the country and that most armed groups required steady access to ammunition rather than arms. The Panel further reported that when a serious confrontation was anticipated, larger quantities of arms and, more importantly, ammunition entered the Mogadishu market. In order to stem the flow of arms and ammunition to Somalia, the Panel of Experts recommended that the front-line and neighbouring States be urged to establish sanctions assistance offices on their territories with the help of regional and subregional organizations. The offices would assist the respective national authorities in monitoring and enforcing the arms embargoes on their territories. The Panel also recommended that consideration be given to the establishment of a caretaker authority for the Somali coast and that the air traffic monitoring and oversight by the Civil Aviation Caretaker Authority for Somalia be enhanced.

Recommendation 11

The Council may wish to consider coercive measures against Member States that deliberately violate arms embargoes declared in respect of specific conflict areas. In this regard, the Council is encouraged to establish monitoring mechanisms, under each relevant Council resolution, to oversee their rigorous and comprehensive enforcement.

50. There are currently six sanctions regimes imposed by the Security Council in existence — on Al-Qaida and the Taliban, Iraq, Liberia, Rwanda, Sierra Leone and Somalia. Each of these regimes contains an arms embargo component and is monitored by a sanctions committee in accordance with relevant Security Council resolutions. Most sanctions committees are being assisted in their work by monitoring groups or panels of experts, which monitor sanctions violations, provide technical expertise and make recommendations to the Committees. However, the primary responsibility for the implementation of the sanctions regimes, including arms embargoes, rests with the Member States.

Recommendation 12

Member States should be called upon to enhance transparency in armaments, including through universal and consistent participation in the United Nations Register of Conventional Arms and the United Nations standardized instrument for reporting military expenditures, and to undertake other confidence-building measures in defence and security matters.

51. The Security Council, in a declaration annexed to its resolution 1467 (2003), called on the States of West Africa to consider broadening the ECOWAS Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons to include an information-exchange mechanism for all types of small arms procured by ECOWAS Member States and for arms transfers from supplier countries. In that declaration the Council also called on the States of West Africa to consider enhancing transparency in armaments, including through the establishment of an ECOWAS register that would record national inventories of small arms and light weapons.

52. Pursuant to General Assembly resolution 57/75 of 22 November 2002, the Secretary-General convened a Group of Governmental Experts¹⁷ to assist him in preparing a report on the continuing operation and further development of the United Nations Register of Conventional Arms, taking into account the work of the Conference on Disarmament, the views expressed by Member States and previous similar reports of the Secretary-General, to be submitted to the General Assembly at its fifty-eighth session.

53. The Register is a voluntary reporting instrument that covers seven major categories of conventional arms: battle tanks, armoured combat vehicles, large-calibre artillery systems, combat aircraft, attack helicopters, warships (including submarines), and missiles and missile launchers. Its primary emphasis is on international transfers (exports and imports), while participating Governments are also encouraged to provide data on procurement through national production and on their military holdings.

54. The Group recognized the particular importance now attached by the international community to the issue of small arms and light weapons, including man-portable air-defence systems (MANPADS), since the 2000 report of the Group of Governmental Experts and the adoption in July 2001 of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. As a consequence, the Group adopted a consensus report,¹⁸ which recommended the exceptional inclusion of MANPADS transfers in category VII of the Register, "Missiles and missile launchers". The Group of Governmental Experts also recommended that the reporting threshold for large-calibre artillery systems be lowered from 100 to 75 millimetres.

55. The Group noted as well that, without prejudice to the differing situations, capacities and priorities of States, interested Member States in a position to do so, where appropriate and on a voluntary basis, could provide additional information on transfers of small arms and light weapons made or modified to military specifications and intended for military use; and where national, subregional and regional mechanisms exist, recommended that they make use of these reporting methods, including definitions of small arms and light weapons, as they deem appropriate.

56. The Group additionally recommended that, while 164 Member States have participated at least once in this voluntary reporting instrument, they should consistently participate in the United Nations Register of Conventional Arms in order to achieve universal participation, with a view to reaching the shared goals of the instrument. In addition to sustaining the ongoing series of regional and subregional workshops, the Group noted that other activities, such as the holding of a session devoted to the Register on the margins of appropriate meetings of international, regional and subregional organizations, could be pursued to promote the objectives of the Register.

57. Following the issuance of the report of the Secretary-General on the continuing operation and further development of the Register,¹⁸ the General Assembly adopted at its fifty-eighth session resolution 58/54 of 8 December 2003, entitled "Transparency in armaments", in which it endorsed the report of the Secretary-General and decided to adapt the scope of the Register in conformity with the recommendations of that report.

III. Observations and conclusions

58. I am pleased to note the significant progress achieved in the implementation of recommendations 1 (on tracing illicit small arms and light weapons), 7 (on disarmament, demobilization and reintegration in post-conflict situation), 9 (on control over the export and transit of small arms and light weapons) and 12 (on transparency in armaments), contained in my report entitled "Small arms" of 20 September 2002.²

59. There are also encouraging indications that efforts are being made to implement recommendations 2 (on the Interpol Weapons and Explosives Tracking System), 3 (on the small arms advisory service) and 6 (on links between illicit small and light weapons and the illicit exploitation of natural and other resources).

60. Regarding recommendation 4 (on interaction with the General Assembly), while no structured interaction has been established yet between the Security Council and the Assembly on the general topic of small arms and light weapons, the issues of end-user certificates and illicit brokering activities have emerged as areas of common efforts by both organs.

61. Progress with regard to recommendations 5 (on the enforcement of Security Council resolutions on sanctions) and 11 (on coercive measures against Member States that deliberately violate arms embargoes) depends almost entirely on the political will and technical capacity of Member States. Nevertheless, further efforts by the Council to stimulate Member States in fulfilling their obligations and to assist them in the strengthening of their capacity will be required.

62. The implementation of recommendation 10 (on the use of arms embargoes) presents a mixed picture: while some arms embargoes were effectively employed as a key instrument to consolidate the peace process in certain conflict and post-conflict situations, the restriction on the supply of ammunition to areas of instability requires more attention and vigorous action to achieve the desired objectives.

63. Finally, the need to finance disarmament, demobilization and reintegration programmes through the assessed budget for peacekeeping (recommendation 8) remains an issue of concern. The key disarmament, demobilization and reintegration

task assigned to peacekeeping missions has been to support national Governments in the disarmament and demobilization of combatants. Disarmament and demobilization tasks include a broad range of military and non-military activities. While some activities in these two phases of a disarmament, demobilization and reintegration operation may be undertaken by the relevant United Nations specialized agencies, non-governmental organizations and national agencies, the voluntary funding available for disarmament and demobilization activities, particularly in the early stages of a disarmament, demobilization and reintegration operation, is often very limited. This risks jeopardizing not only the disarmament, demobilization and reintegration operation itself, but also the entire peace process.

64. A secure funding basis, from the assessed budget for peacekeeping, would ensure that combatants and their dependants, as required by Security Council resolution 1325 (2000) of 31 October 2000, could be successfully managed and returned to their communities, where they could then take full advantage of planned reintegration activities funded from voluntary sources.

65. Appropriately equipped specialized units for the disposal of explosive ordnance, to undertake the safe collection, destruction and disposal of ammunition and explosives, would necessitate financial support from Member States, when considering disarmament, demobilization and reintegration programmes, to ensure that peacekeeping missions have the capacities needed to safely manage the large quantities of weapons and ammunition involved. The Secretariat, on its part, will work with Member States to establish these capacities in the United Nations Standby Arrangements System. These capacities should be deployed to a mission as early as possible, since often a significant quantity of weapons, ammunition and explosives is surrendered to a peacekeeping force in the early days of a mission.

Notes

¹ S/PRST/2002/30.

² S/2002/1053.

³ In January 2002, the Secretary-General appointed experts from the following 23 States: Brazil, Bulgaria, Canada, China, Colombia, Cuba, Egypt, France, India, Jamaica, Japan, Kenya, Mali, Mexico, the Netherlands, Nigeria, Pakistan, the Russian Federation, South Africa, Switzerland, Thailand, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

⁴ See A/58/138.

⁵ See S/PV.4623.

⁶ See A/CONF.192/BMS/2003/1.

⁷ For the views of States received by the Secretary-General, see A/58/207.

⁸ See S/2003/223.

⁹ See S/2003/779 and S/2003/937 and Add.1.

¹⁰ S/1999/815, annex.

¹¹ S/2002/1005.

¹² See S/2003/223.

¹³ The electronic copies of national legislation on small arms, excluding copies of end-user

certificates, provided by States on a voluntary basis can be accessed on the web site of the Department for Disarmament Affairs, at <http://disarmament2.un.org/cab/salw-legislation.htm>. The Department also maintains printed versions of these documents, which are available for consultation by Governments.

¹⁴ See S/PV.4713.

¹⁵ See S/2003/1070.

¹⁶ See S/2003/1035.

¹⁷ The Secretary-General appointed experts from the following 24 States: Argentina, Brazil, Canada, China, the Democratic Republic of the Congo, El Salvador, France, Germany, Ghana, India, the Islamic Republic of Iran, Israel, Japan, Kenya, Malaysia, the Netherlands, Pakistan, Peru, Romania, the Russian Federation, South Africa, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

¹⁸ See A/58/274.