

Seminar held on 25th February 1999

The United Nations and Small Arms: The Role of the Group of Governmental Experts

**Speakers : Ambassador Mitsuro Donowaki,
Graciela Uribe de Lozano, and
Ambassador André Mernier**

The 23-member United Nations Group of Governmental Experts on Small Arms served as a crucial focal point within the UN system for the analysis of the challenges posed by the proliferation of small arms and light weapons (SALW) and the elaboration of practical measures for states and international organizations to reduce or eliminate their harmful consequences¹. Within the context of the Group's second workshop in February 1999, under its mandate to evaluate progress made in implementing the recommendations of the previous panel of Governmental Experts in its Report to the General Assembly of 27 August 1997 (A/52/299), and to identify further actions to be taken, three members of the UN group accepted the invitation of the Geneva Forum to discuss its role and work¹. Presentations were delivered by Ambassador Mitsuro Donowaki, Mrs. Graciela Uribe de Lozano, and Ambassador André Mernier, and the session was chaired by Christophe Carle, Deputy Director of UNIDIR.

Presentation by Ambassador Mitsuro Donowaki

Ambassador Donowaki explained how the problem of small arms and light weapons had gained prominence within the United Nations. The end of the Cold War and the proliferation of

intra-state conflicts prompted in 1992 Secretary-General Boutros Boutros-Ghali's engagement in the reform of UN peace operations, notably in the area of preventive deployment. Within this context, attention was increasingly paid to the question of conventional arms and in 1992 the UN Register of Arms was established as a transparency measure. The register, however, did not include SALW but rather seven categories of 'heavier' weapons. According to Donowaki, the relative lack of attention to small arms and light weapons in the past is attributable to the perception that such weapons flows (usually in the pattern of conflicts 'by proxy') did not affect the international strategic balance. Following the end of the Cold War, however, the recognition that such weapons served to prolong conflicts, increase casualties, and hinder reconstruction and political development led, in 1995, to the establishment of the UN Panel of Governmental Experts on Small Arms. In their first report submitted to the General Assembly in 1997 (A/52/298), the Panel made 24 recommendations on measures to address the issue; its importance, in Donowaki's opinion, stemmed from it being the first *governmental* study of the problem which, since then, has attained the status of a 'founding document' for research and activity.

In view of the importance of the SALW question, the Secretary-General was mandated to establish a follow-up group to assess progress in the implementation of the recommendations contained in the report and to come up with additional new recommendations. The resolution to re-establish the group (52/38 J) was adopted in 1997; the group met for the first time in May 1998, the second time in Geneva, February 1999, and will meet for a final time in July 1999.

In addition to preparing a second report, the Group was also requested to prepare recommendations on the convening of an international conference in 2001 on illicit arms trafficking in all its aspects. This conference (which Switzerland is willing to host) would explore illicit arms trafficking in the context of post-conflict regions, where it fuels criminality, and possibly discuss some kind of international convention or treaty to regulate arms exports. These tasks are not easy, Donowaki argued, given the ex-

istence of legitimate military and national uses of small arms and light weapons that make international regulation, let alone prohibition, a very complex process. How to make such a conference meaningful in terms of its objectives, agenda, scope and so forth, is one of the main items on the Group's agenda.

Presentation by Mrs. Graciela Uribe de Lozano

Following the end of the Cold War, the indiscriminate accumulation, circulation and transfer of SALW began to be understood by the international community as having a direct effect on internal conflict and domestic violence, and causing an alarming rise in criminality and threats to human life and liberty. These realities underscore the need to understand the nature and consequences of weapons dissemination and to place the issue at the forefront of the UN agenda. This is one of the objectives of the UN Group of Governmental Experts.

The availability and use of SALW are prevalent in all contemporary conflicts and in myriad criminal activities, and often serve to encourage violent methods of conflict resolution. Individual and group use aside, a significant profit motive also exists for the transfer of SALW, as evidenced in the existence of large black and gray markets, and 'networks' of vested interests involving both producers and traffickers in illicit trade.

Regulation alone, Uribe de Lozano affirmed, is insufficient to cope with the problem of arms producers operating outside the control of national authorities, especially given the fact of some government complicity in this area. In order to prevent such alliances, arms transfers should be carried out solely between governments. To this end, the international community has called for states to attach a high priority to the eradication of illicit trafficking in arms, ammunitions and explosives, owing to their devastating effects on national, regional and international security, and their links with organized criminal activities, such as illicit drugs trafficking. The major issues to address in preventing the indiscriminate circulation and trafficking of small arms and light weap-

ons and their disastrous effects are, among others: the regulation of civilian ownership and possession of arms; lack of state control over weapons protection, facilities and outlets; lack of departmental coordination over stocks in military warehouses; corruption within the military; lack of state control in the internal distribution and sale of weapons; weak border controls; and the mismanagement of weapons in post-conflict situations.

These and other issues have or are being dealt with by the UN Group, which is now focusing on measures to reduce and curb the use and wide availability of SALW and to prevent their destabilizing proliferation. While much has been said with regard to developing a comprehensive and integrated approach to the issue of small arms and light weapons, the Group is still trying to define the scope and range of such an approach, and to develop recommendations on measures that could fit within such a framework.

Besides national and traditional sources of supply, small arms and light weapons flows also originate from several surplus-related sources: post-conflict demobilization of armed parties; the accumulation of arms stocks by a state beyond its legitimate security requirements and capacity to securely store them; and surplus stocks created by the downsizing and upgrading of military forces. An important factor contributing to this dangerous situation is that predictable patterns of supply have been superseded by economic considerations resulting in an insufficient scrutiny of surplus weapons exports. The trade in surplus weapons is also supported by the precarious economic environment and declining standards of living in some countries. These economic hardships often affect arms manufacturers and former or current armed forces personnel. States should ensure that authorizing commercial exports of their surplus weaponry does not fuel conflict and violence in other countries or regions.

With regard to illicit trafficking, the UN General Assembly in its resolution 52/38 J (1997) requested the Secretary-General to prepare a report on the objective, scope, agenda, dates and venue for an international conference on the illicit arms trade in all its aspects. Illicit arms trafficking to non-state groups and crimi-

nal elements has endangered peace and stability in many states. The only direct and viable way to combat such criminal activities is to agree on global policies, strategies and tactics, most notably in the form of multilateral legal instruments, and the creation of a corresponding international center to this end.

Some of the problems that will have to be confronted include stolen and post-conflict weapons that are illegally supplied to support criminal activities. Since a large portion of this market originates in black-market operations, international cooperation should also be oriented to monitoring legal transfers of arms in order to ensure that all transactions are carried out within legal norms and procedures. There is a need for greater accountability and transparency over the entire spectrum of small arms and light weapons trade, beginning with their manufacture, internal sale and distribution. Even weapons which are legally produced and sold often find their way into illegal markets through theft. Accountability and transparency must therefore also cover the import, export, in-transit shipment, and final destination. Even though illicit trade defies transparency owing to its clandestine nature, implementing measures to eliminate secret practices in the legal trade in small arms is crucial for international cooperation in this field.

The issue of marking has also been dealt with in the context of the Group's deliberations. The recent workshop on small arms organized by the Swiss government, 18-20 February, which had an emphasis on marking was particularly valuable in allowing the Group to come to terms with this particular issue. In Uribe de Lozano's opinion, this issue must be explored in depth, and competent national authorities need to assess the feasibility of adopting marking measures beyond the ones already in use. Another method with which to tackle small arms and light weapons proliferation resides in the role of bilateral agreements in eradicating illicit trafficking. This approach is common among states in Latin America.

Presentation by Ambassador André Mernier

Ambassador Mernier's presentation focused on specifying the goals and analyses underlying the dynamics of the UN Group of Experts and delineating possible actions for the future. While concern over SALW proliferation increased following the Cold War, such concern was often diffuse in nature. A coordinated effort to tackle this problem was initiated by the Japanese government and General Assembly resolution 50/70 B of 12 December 1995, calling for a report that would sanctify a common approach and analysis by the international community. While many independent analyses have been undertaken by research institutes and other organizations, the report of the Panel of governmental experts (A/52/298) represents the first common analysis agreed upon by the international community. The success of the UN Panel in this regard is due mainly to its ability to avoid regional confrontations; indeed Mernier affirmed that an understanding was made possible owing to a common recognition by member states that they were both instigators and victims of a problem that necessitated a common approach and solution.

The common analysis of the SALW situation contained within the Panel's report led to increased public awareness of what Ambassador Mernier termed 'the particular problem of all time'. Such public awareness, in his view, is largely fostered by NGOs, the only segment of civil society actively involved in the SALW issue, which then serve to 'prod' parliamentarians to adopt specific policies at both national and international levels.

As an example of this process, Mernier described the situation in Europe. Within the European Union, the first step in tackling the SALW problem was the *Programme for Preventing and Combating Illicit Trafficking in Conventional Arms* (1997). The second step was the adoption of the *Code of Conduct for Arms Exports* (May 1998), reflecting a move from illegal trafficking to legal exports. The last level was the *European Joint Action* (December 1998) that went beyond the buying and selling of weapons and targeted the sources of arms production. Furthermore European governments have undertaken particular national

programmes; for example in Albania the government of Belgium has supported the UN programme there with USD 150,000. Europe has therefore engaged not only with the legal and illegal exports of arms, but has also attempted to reduce weapons stocks. Given the nature of the SALW problematic—where weapons proliferation leads to the erosion of state authority that in turn feeds proliferation—addressing it at the international level nonetheless remains a very difficult task.

Questions and Answers

Q. Can you give us an assessment of the present situation with respect to SALW—how conceivable is the adoption of a global arrangement in this regard?

A. Uribe de Lozano affirmed the global nature of the SALW problem, and drew attention to the large number of regional initiatives that have already been taken such as the *Inter-American Convention Against the Illicit Production of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials* (1997). While such initiatives are not by themselves sufficient for a global approach, they constitute 'building blocks' that in the near future could be utilized as guidelines for international efforts to control, reduce and hopefully eradicate the small arms problem. Donowaki then mentioned that following the release of the UN Panel's report in 1997, many initiatives had been taken. As examples he cited the 1997 OAS convention that will serve as a model for a protocol against the illicit manufacturing of and trafficking in firearms, ammunition and other related materials, as part of the Convention Against Transnational Organized Crime, currently being negotiated in Vienna; the UN's activities in Albania; and the work of other UN agencies that have begun to address the problem of SALW in the field.

Q. First, all SALW transfers are comprised of two distinct stages—the initial purchase and transfer stage, and then sub-

sequent re-transfers to the location of eventual issue. Has the Group attempted to address this distinction by tailoring different initiatives or mechanisms to the different stages in the transfer process? One of the potential problems in using the UN to tackle the question of SALW is that it only operates at the inter-state level. How can the UN deal with intra-state actors, some of whom possess large areas of territory, given this limitation?

A. Mernier stated that in statistical terms, the export of and trafficking in new weapons are not currently the main problems; it is, rather, the stocks of existing weapons. The elimination of trafficking alone would therefore not solve the problem in many affected countries that are inundated with weapons. With regard to the role of the UN and the 'globalization' of solutions, Mernier affirmed the need for international instruments to improve, for instance, the traceability of weapons and to fill the policy vacuum that currently exists. One of the recommendations of the group in this context concerns the marking of weapons, and the recording of such markings; while many weapons are marked, no common criteria, or legal instruments defining such criteria, exist. In this direction, a mid-term solution may be in sight. One of the Group's main achievements in the field of SALW has been the recommendation that the question of the confiscation and collection of weapons be addressed before the mandate of a UN Peace Operation is definitively adopted. This does not mean, however, that every UN peace operation's mandate should contain a mandatory weapons collection and destruction provision—only that it should be seriously considered.

Uribe de Lozano drew attention to the last question posed by the speaker. In the case of Colombia, the rebel forces are at times better armed than the government army itself. This is due to the fact that they are constantly searching for illegal sources of weapons. One source, for instance, is old surplus weaponry supplied to Central America during the Cold War; because of revenues generated by drug trafficking, such weapons—and indeed also new ones—are easily acquired.

Q. As the campaign to ban landmines revealed, the indicator of success is not to be found in the number of weapons collected but rather the degree to which suffering is reduced. Is the Group doing any work on such indicators?

A. Donowaki replied that this was a question similar to the one concerning the reduction of existing stocks and the prevention of their future accumulation. Because SALW cannot cause harm until an individual uses them, they are easier to trace and collect than landmines. In this context the Group is trying to come up with recommendations for means of reduction in post-conflict zones with a view to their reduction, storage and eventual destruction. In his opinion there should be an increased consciousness with regard to reducing production and destroying surplus in order to offset dumping practices and the loss of control over stocks. These things can be measured by the increasing awareness and interest of governments, and concrete achievements in this regard.

In Uribe de Lozano's view, the way to measure success is through the reduction of the number of victims.

Q. What lessons can be learned from the anti-personnel landmine campaign? The problem of using the reduction of victims as a measure is that no sharp data exists. The essential part of the landmine campaign was to get this kind of data, which was found for instance by demonstrating the effects of weapons. A second consideration arises in the context of the Ottawa process' focus on the question of military utility, which might not be possible in the context of SALW. Finally, while the problem of SALW might be considered from the perspective of injury, this might be harder to apply. There is nonetheless a need to generate a strong public opinion on the extent of the human problem posed by SALW.

A. Mernier replied that, while such comments are valid, anti-personnel landmines cannot be compared to SALW, the main difference being that while a rifle possesses 'honor', a mine does not. No one questions the utility of small arms, while in the landmine

campaign public opinion played the main role. There is a need, however, for public awareness in the affected countries, and especially within families, of the need to turn in weapons. Unfortunately such public awareness is lacking, as witnessed in the low rate of weapons returns. While mines visually create a uniform sense of horror, SALW do not evoke the same sentiments.

According to Donowaki, one of the Group's limitations is that they mainly represent member states, and thus might not be well positioned to collect data. NGOs on the other hand are very successful in this regard, and their data has and is being used by the Group. In this fashion the Group fulfils an important political as well as analytical function in being able to issue meaningful and consensus-based recommendations representing the concern of the entire international community.

Q. The problem of SALW has been addressed at many different levels, and there is a common understanding that the complexity of the issue must be tackled within an integrated approach that has been under discussion within the Group. What are the views of the Group members on specific measures the international community could take as an immediate next step?

A. Donowaki stated that what is at issue is a proportional and integrated approach to disarmament, security and development. Because weapons cannot be collected unless people are assured of their security, this turns the question into one of good governance, democratic process, and economic opportunities. This entails that development assistance and disarmament should be considered together, something that is currently under consideration within the Group.

Notes

¹The Expert Group submitted its Report to the General Assembly on 19 August 1999 (A/54/258). It can be found on the website of the UN Department for Disarmament Affairs (www.un.org/Depts/da).