



SECURITY COUNCIL REPORT UPDATE REPORT



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SMALL ARMS

Expected Council Action

Our prediction that a presidential statement on small arms was likely to be adopted in March was premature. Although almost all Council members now agree that some Council action is necessary, consensus continues to elude Council members. Accordingly, small arms now appears as a footnote on April's programme of work and the Council is likely to continue discussions on this issue. The stalemate, which has now lasted for more than twelve months, is increasing tension between Council members.

Background

The Council began addressing small arms as one of its thematic issues in 1999. It recognised the direct impact that proliferation of small arms was having on the maintenance of peace and security in various situations and that the substance of the issue was therefore a legitimate and appropriate focus for the Council. Since 1999 there have been regular debates and six presidential statements. The Council has referred to the issue of small arms in 28 resolutions and twenty presidential statements. Among the areas covered are the impact of small arms in Africa, the need to strengthen arms embargoes, the connection between child combatants and proliferation of small arms and the effect of small arms on disarmament, demobilisation and reintegration in peace agreements. (An in-depth analysis of the Council's role on this issue can be found in our 22 June 2006 *Profile on Small Arms*.)

Council consideration of these issues has been informed by reports from the Secretary-General. In 2001 the Secretary-General's report outlined twelve recommendations to identify and trace illicit trade in small arms and light weapons. The Secretary-General reported on the progress towards these recommendations in 2003, 2005 and February 2006 and the Council developed a practice of regularly requesting the Secretary-General to update his reports. These requests became the mandate for the Secretariat to provide ongoing analysis to the Council.

In March 2006 Argentina proposed giving the issue more prominence by moving from the customary presidential statement to a resolution and circulated a draft resolution on small arms. The Council failed to reach consensus, and despite ongoing efforts by Argentina to keep the issue alive no agreement was reached. As a result, one consequence in a procedural sense is that there is no current request to the Secretary-General to produce a further report. This situation left future Secretary-General's reports in abeyance.

The substantive difficulties in the Council on this issue in 2006 were mirrored by signs of problems in other areas of the UN system on the small arms issue. The 2001 Programme of Action (PoA) to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons could not be agreed as a treaty requiring states to implement legislation or other measures to criminalise the illegal manufacture, possession, stockpiling and trade in small arms. Instead it was regulated to the status of a nonbinding instrument. A UN Conference to review the implementation of the 2001 PoA held from 26 June–7 July 2006 could not agree on an outcome document.

Key Facts

In March 2007 South Africa presented the issue as a draft presidential statement and a non-paper. The main thrust of the presidential statement was an invitation to the Secretary-General to update the Council on the issue in the next six months by submitting a report.

The proposed four-paragraph presidential statement also covered some substantive points, largely taken from previous presidential statements on this topic:

- recognition that the dissemination of illicit small arms and light weapons hampers the peaceful settlement of disputes, fuels disputes into armed conflict and contributes to the prolongation of armed conflicts;
- concern that small arms and light weapons increase the intensity and duration of armed conflicts, undermines the sustainability of peace agreements, impedes success of peacebuilding and compromises the effectiveness of the Council in maintaining peace and security; and
- acknowledgement that the inherent right of individual or collective self-defence under article 51 of the Charter allows states to import, produce and retain small arms and light weapons for self-defence and security needs.

Key Issues

The immediate issue is a procedural one—whether the issue of small arms should be on the Council agenda. A related procedural issue is whether the Secretary-General should be invited to participate and support the discussions by updating previous reports.

A future substantive issue is whether the Council should move towards a stronger position on the issue of small arms including the possibility of strengthening measures to identify and trace small arms.

A related substantive issue is Council action to more successfully enforce arms embargoes, which include small arms, currently imposed in nine sanctions regimes. A closely connected issue is ensuring effective disarmament, demobilisation and reintegration programmes in conflict situations under Council consideration.

Options

The Council has the following options.

- Confirm discussion of a draft presidential statement on small arms along the lines of the South African draft. (Given that all 15 members have a veto over presidential statements this may perpetuate the stalemate which has lasted for more than a year.)
- Convert the draft presidential statement to a resolution and put it to a vote in the Council. (Given that there are both substantive and procedural elements in the current draft such an approach will be vulnerable to a veto.)
- Revise the draft presidential statement into a draft resolution which only includes procedural matters. (This approach would not be open to a veto.)
- Compromise on the text of a letter from the president of the Council to the Secretary-General indicating that the members of the Council have agreed to hold a further open debate on small arms in October, for example, and request the Secretary-General to produce a report in preparation for that meeting.

Council Dynamics

The discussions of the draft presidential statement in March this year revealed that 14 members were in favour of issuing the statement. However, the US was opposed and in particular sought to remove the paragraph inviting the Secretary-General to produce a report in the next six months. Its position is that the Council should not overburden the Secretariat with another report and, consistent with its overall strategy on reform of UN mandates and better use of resources, it is sufficient for the Council to leave the issue to the General Assembly.

By contrast many members see this issue as vital to the peace and security dimension of the Council's work. South Africa and Peru are keen to see the Council pay more attention to this problem and stress its significance to the developing world. Ghana, conscious of the damage which small arms has inflicted in West Africa, has very strong views on the matter. It stresses that for some countries small and light weapons are as vital to their security as weapons of mass destruction are for larger countries. Most of the Council members seem to agree that small arms are a very real problem for peace and security and that the Council cannot afford to ignore this issue.

While there is very wide support for a request to the Secretary-General to submit a report soon, there is a spectrum of views among Council member states on substantive aspects, particularly to the robustness of any Council action.

Underlying Problems

Three of the P5—the US, China and Russia—are among the top exporting countries for small arms, making this a sensitive matter for the Council. Arms-exporting countries want to make a distinction between legal and illegal trade in arms. Many other countries, however, feel that given the portable nature of small arms and porous borders these distinctions are largely academic.

UN Documents

Selected Security Council Resolutions

- S/RES/1631 (17 October 2005) stressed the role of regional organisations in addressing the issue of small arms.
- S/RES/1612 (26 July 2005) on children and armed conflict highlighted the link between illicit trafficking in small arms and the use of child soldiers.
- S/RES/1467 (18 March 2003) outlined measures to increase support for the ECOWAS moratorium on small arms in West Africa with the declaration on the proliferation of small arms and light weapons in West Africa.
- S/RES/1296 (19 April 2000) on protection of civilians in armed conflict emphasised the importance of incorporating DDR in peace agreements.

Selected Presidential Statements

- S/PRST/2006/38 (9 August 2006) welcomed the decision of ECOWAS to transform the Moratorium on Import, Export and Manufacture of Light Weapons into a binding Convention on Small Arms and Light Weapons, their Ammunition and Other Related Materials.
- S/PRST/2005/7 (17 February 2005) called on arms-exporting countries to exercise the highest degree of responsibility in the trade in small arms and requested an update from the Secretary-General on the implementation of the twelve recommendations contained in his 2002 report on small arms.
- S/PRST/2004/1 (19 January 2004) called on UN member states to effectively implement arms embargoes and welcomed General Assembly resolution 58/241.
- S/PRST/2002/30 (31 October 2002) expressed grave concern at the harmful impact of small arms on civilians in situations of armed conflict, took note of the Secretary-General's report which outlined twelve recommendations for further action. It asked the Secretary-General to report by December 2003 on the impact of the twelve recommendations.
- S/PRST/2001/21 (31 August 2001) requested the Secretary-General to submit a report by September 2002 containing specific recommendations on ways and means in which the Council could contribute to dealing with the question of illicit trade in small arms and light weapons.
- S/PRST/1999/28 (24 September 1999) recognised the availability of small arms as a factor contributing to the intensity and duration of armed conflicts and in undermining peace agreements, and called for effective implementation of arms embargoes imposed by the Council.
- S/PRST/1999/21 (8 July 1999) recognised the role of small arms in conflicts and in destabilisation of post-conflict situations.

Secretary-General's Reports

- S/2006/109 (17 February 2006) was the latest report.
- S/2005/69 (7 February 2005) was the second report on implementation of the recommendations.
- S/2003/1217 (31 December 2003) was the first report on the implementation of the recommendations.
- S/2002/1053 (20 September 2002) outlined twelve recommendations to identify and trace illicit trade in small arms.
- S/2000/101 (11 February 2000) on the role of the UN in DDR; it included small arms and light weaponry among the primary targets of DDR and highlighted the importance of tracing small arms and combating the illicit trade in small arms.

Other Documents

- S/PV.5390 and resumption 1 (20 March 2006) was the last Council debate on small arms.
- A/C.1/60/L.55 (12 October 2005) was an international instrument adopted by the General Assembly to enable states to identify and trace illicit small arms and light weapons.
- A/CONF.192/15 (20 July 2001) was the PoA adopted by member states.

For historical background please see our February 2006 *Forecast* and 22 June 2006 *Profile* on Small Arms.