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An Overview of the UN Efforts to Combat Illicit Trade in Small Arms and Light Weapons in All Its Aspects, and the Role of ARF

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(Efforts made by the United Nations)

In less than five month's time the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects is to be convened in New York. Its Preparatory Committee met twice already, and its third and last session is to be held next month. Therefore, there should be not much need to stress the central role being played by the United Nations in bringing the issue of small arms to the attention of the international community, and in laying the ground for the conference to be convened in July.

Indeed, it was the Secretary-General's report of January 1995 entitled "Supplement to Agenda for Peace" that the international community was first called upon to urgently address the issue of small arms and light weapons. Hundreds of thousands of civilians, mostly women and children, were being killed or forced to become refugees as a result of sub-regional and intra-state armed conflicts in recent years. In these conflicts, mostly fought in Africa but not limited to Africa, small arms and light weapons are the weapons of choice because they are easy to be obtained, carried and used in irregular warfare where non-combatant civilians can be made targets. Excessive availability of such weapons may not be the cause of such conflicts, but they can prolong and exacerbate the lethality of

conflicts. Even after the conflicts come to an end, excessive availability of such weapons leads to increased criminal activities and hinders reconciliation, reconstruction and peaceful development of societies.

In response to the above appeal of the Secretary-General of January 1995, the UN Panel and Group of Governmental Experts on Small Arms were established in 1996 and 1998 respectively, and with their assistance two reports of the Secretary-General were submitted to the General Assembly in 1997 and in 1999 (A/52/298 and A/54/258). Both reports contained concrete and meaningful recommendations on measures to be taken in order to prevent and reduce the excessive and destabilizing accumulation and transfer of small arms and light weapons. These reports were endorsed by General Assembly, and it was in response to one of such recommendations contained the 1997 report, which stated

"the United Nations should consider the possibility of convening an international conference on the illicit arms trade in all its aspects, based on the issues identified in the present report"

(Paragraph 80 (k) of the Secretary-General's report A/52/298)

that the General Assembly decided to convene the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in July this year. The rationale behind this particular recommendation was that the prevention and reduction of excessive and destabilizing accumulation and transfer of small arms and light weapons could not be achieved without an attempt to eradicate illicit arms trade, and that such an attempt cannot succeed without the concerted efforts of the entire international community. Thus, it was recognized from the beginning that the problem of illicit trade in small arms and the prevention and reduction of excessive accumulation and transfer of such arms were closely linked together.

(Efforts by Regional Organizations)

It is truly encouraging to note that in the last few years there was an enormous surge of initiatives related to small arms and light weapons at all levels — international, regional, sub-regional and national. Some of them were initiatives stimulated by or in response to the recommendations of the 1997 Panel's report like, for example, the adoption by the European Union (EU) in 1998 of the Code of Conduct on Arms Exports, and of the Joint Action on Small Arms later in the same year, while some others were parallel initiatives reinforcing the Panel's recommendations, like the efforts made by the Organization of American States (OAS) in signing in 1997 of the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials. An impressive number of such concrete and important initiatives of the past few years are listed in the 1999 report of the UN Group of Governmental Experts on Small Arms (Secretary-General's report A/54/258).

Developments in the past eighteen months after the submission of the 1999 report of the UN Group of Governmental Experts are even more promising, because various regional initiatives have come to be more focused on the UN conference to be convened in July this year. On November 24 last year, the Organization for Security and Cooperation in Europe (OSCE) which consists of about fifty nations from North America to the Russian Federation came to adopt a Document on Small Arms and Light Weapons. The document contains politically binding norms, principles and measures that are meant to "combat illicit trafficking in all its aspects", covering the manufacture, marking and record-keeping of small arms, export criteria and export controls of such arms, as well as the management of stockpiles, reduction of surpluses and destruction of such arms. One of the undertakings the participating States of OSCE made in

this Document was to conduct an information exchange, on an annual basis beginning in 2002, on their small arms exports to, and imports from, other participating States according to an agreed format.

Also on November 24 last year, the Regional Preparatory Meeting of the Latin American and Caribbean States for the 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects adopted the Brasilia Declaration. It acknowledged the pioneering efforts that led to the conclusion of the Inter-American Convention on Firearms. The relatively short declaration reiterated the importance for the UN conference to be convened to take into account the specific needs and experiences in individual regions, sub-regions and countries, stating that in their region the illicit trade in small arms is mainly related to drug trafficking, terrorism, transnational organized crime, mercenary activities and other criminal acts and conduct.

Then, on December 1 last year, the Organization of African Unity (OAU) came to adopt the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons. As the region most seriously affected by the problem of small arms and light weapons, a number of important sub-regional efforts have been going on in the past several years in Western Africa, Southern Africa, the Great Lakes and the Horn of Africa regions, and so forth. The fact that the OAU Ministerial Meeting held in Bamako came to adopt the declaration on a common position on small arms and light weapons was a culmination of such preceding efforts at sub-regional levels, and well demonstrates the strong determination and high expectation of African countries to make the UN conference a success. The Bamako Declaration, which is fairly comprehensive and detailed, calls for "a realistic and implementable programme of action" to be adopted by the UN conference, and also appeals for international financial and

technical support to initiatives and programmes aimed at eradicating the illicit trafficking of small arms and light weapons, the reintegration of demobilized youths, and so forth.

(Possible Outcome of the Preparatory Process and the Conference)

It was on the basis of these Brasilia and Bamako Declarations and OSCE Document, the UN Secretary-General's reports on small arms as well as views of various governments that the Chairman of the Preparatory Committee, Ambassador Dos Santos of Mozambique, prepared a Draft Programme of Action and presented it to the second session of the Preparatory Committee held in January this year. During the two week's session, all the participating delegations expressed appreciation to the Chairman for preparing the draft, which was recognized to be a good and solid basis for deliberations. In fact, this was the first opportunity for **all** the participating delegations to engage in a substantial and thorough discussion of the issue of "illicit trade in small arms and light weapons in all its aspects". In this sense, the second session could make a big and successful stride under the able guidance of the Chairman. As the next step, a revised draft prepared by the Chairman taking into account all the comments and suggestions made by various delegations will be considered at the third session of the Preparatory Committee to be held next month.

Naturally, nobody is in a position to predict or prejudge the outcome of the preparatory process, and of the Conference itself. However, it is hoped that the Conference will come to adopt a programme of action that will contain a set of guidelines or principles which will be politically binding to all participating states in combating illicit trade in small arms and light weapons, because unless the supply of such weapons are put under good control by all states the excessive accumulation and transfer of such weapons

cannot be "prevented". Such guidelines or principles will have to also encourage regional and international cooperation among law enforcement authorities such as police, customs and border control agencies. Then, in the programme of action some concrete measures to "reduce" the excessive accumulation and transfer will also have to be agreed upon. This may require intensified efforts for disarmament, demobilization and reintegration of former combatants in post-conflict regions. Also, this may require efforts to collect, safeguard and destroy the surplus of such weapons. In all these reduction efforts, financial and technical assistance to those nations who request such an assistance from international organizations as well as willing and capable donor nations will have to be encouraged and worked out.

(Implications for the Asia-Pacific Region, and the role for ARF)

As may be clear from the progress being made so far in preparation for the UN conference on small arms to be convened in July, the region of Asia-Pacific appears to be lagging behind compared to the regions of Africa, Latin America and the Caribbean, and Europe. Perhaps, there are several reasons for this. First, this region as a whole is not the most seriously affected region by the problem of small arms. Compared to the African region, Southeast Asia or East Asia is not the region most seriously besieged by regional or internal armed conflicts, resulting in the relative lack of interest in the problem of small arms. Second, this region is not the major supplier of small arms as is the case with North America and Europe, nor is the major recipient of such arms as is the case with Africa, Latin America and the Caribbean, also resulting in the relative lack of interest in the problem. Third, in most nations in the region, governmental authorities are more or less in good control of the internal order and security, and criminal and terrorist activities

making use of small arms and light weapons have generally been kept under control. Last but not the least, this region consists of sub-regions and nations with diverse cultures, interests and concerns, making it difficult to find a common approach on almost any issue. In this region, there is not a single organization comparable to OAU, OAS and OSCE. ASEAN Regional Forum (ARF) which was established at the initiative of ASEAN as an informal forum for dialogue and confidence building is only seven years old in its history, and does not yet have institutional mechanisms comparable to those of other regional organizations.

Of course, this does not mean that this region can remain indifferent to the problem of small arms and light weapons. In today's world of globalization, the matter of great concern to three other continents cannot fail to be a matter of great concern to this region also. Besides, if not all the ARF member states, some of the ASEAN ten countries are actually confronted with problems arising out of the excessive availability of small arms and light weapons as is the case with Cambodia where armed conflict came to an end several years ago, or the problems arising out of illicit trafficking in small arms as is the case with Philippines and Indonesia. In the case of Cambodia, Japan already sent two survey missions for the purpose of assisting the reduction of excessive availability of small arms, and is about to launch concrete projects in close coordination with the European Union, the United Nations and other donor nations.

It was under such circumstances that several regional initiatives have come to be taken in the last few years in this region also. In May last year the government of Indonesia hosted, with the cooperation of the UN Regional Center for Peace and Disarmament in Asia and the Pacific, the Jakarta Regional Seminar on Illicit Trafficking in Small Arms and Light Weapons, and all the ASEAN countries participated. Then, in June last year, the government of

Japan hosted the Asia Regional Workshop on Small Arms in Tokyo with the participation of representatives from about a dozen nations of the Asia-Pacific region, and also of some eighteen nations from other parts of the world. Also in June last year, the Regional Centre for Strategic Studies in Colombo hosted the Conference on Small Arms and Light Weapons Proliferation in South Asia in Kandalama, Sri Lanka.

Furthermore, as we are all aware, following the ARF Ministerial Meeting's approval in July last year, the ISG meeting on Confidence Building Measures focusing on the problems of small arms was held in October last year in Seoul, Republic of Korea, and then of course this Seminar here in Phnom Penh is being hosted by the government of Cambodia with the co-sponsorship of the governments of Canada and Japan.

The ASEAN Regional Forum may not be a regional organization in its true sense. However, in the absence of such an organization, the ARF should be able to play an important role in mobilizing the will of all its member nations for the successful outcome of the UN Conference, because by doing so the capability of the region covered by the ARF to contribute to the peace and stability of the entire world, as well as to the peace and stability of the region itself, will no doubt be strengthened and enhanced. Therefore, any statement or expression of the willingness on the part of the ARF to contribute to the success of the UN Conference in July would be welcomed by the Conference, and since the July Conference is said to be the beginning of a process, intensified efforts looking to the future by the ARF in combating the problem of small arms and light weapons together with other regional organizations would be highly appreciated.