

Online Study Materials on
**CONVENTIONAL ARMS RACE,
SMALL ARMS AND LIGHT WEAPONS**

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**GENERAL ASSEMBLY RESOLUTIONS
AND GUIDELINES SET BY THE
DISARMAMENT COMMISSION**

By its resolution 35/156 A of 12 December 1980, the General Assembly approved, in principle, the carrying out of a study on all aspects of the conventional arms race and on disarmament relating to conventional weapons and armed forces, to be undertaken by the Secretary-General with the assistance of a group of qualified experts appointed by him on a balanced geographical basis. It also agreed that the Disarmament Commission, at its session in 1981, should work out the general approach to the study, its structure and scope and requested that the commission's conclusions should be conveyed to the Secretary-General to constitute the guidelines for the study. The Secretary-General was requested to submit his final report to the General Assembly at its thirty-eighth session, in 1983.

Pursuant to that resolution, the Disarmament Commission considered the matter during its session from 18 May to 5 June 1981, during which time intensive discussions and consultations revealed a significant divergence of views. It became clear that it was not possible at that stage for the Commission to reach agreement.

By its resolution 36/97 A of 9 December 1981, the General Assembly requested the Secretary-General to establish the Group of Experts in accordance with the provisions of resolution 35/156 A and requested the Disarmament Commission at its 1982 session to complete its consideration of the general approach to the study, its structure and scope and to transmit the conclusions to the Group of Experts. The Assembly also agreed that the Group of Experts should pursue its work after the above-mentioned session of the Disarmament Commission, taking into consideration such conclusions as the

commission might submit to it and, if necessary, the deliberations of the commission at its 1981 substantive session. Resolution 36/97 A also reiterated the request that the Secretary-General should submit a final report to the General Assembly at its thirty-eighth session.

In 1983, the Secretary-General submitted a report to the General Assembly at its thirty-eighth session containing a letter from the Chairman of the Group of Experts to the effect that, owing to the very wide area embraced by the study and the sensitivity of the issues involved, the Group of Experts needed more time to complete its work (A/38/437). By its resolution 38/188 A of 20 December 1983, the General Assembly requested the Secretary-General to continue the study and to submit the final report to the "Assembly at its thirty-ninth session.

At its 1982 session, the Disarmament Commission agreed upon a text entitled "Guidelines for the study on conventional disarmament", which is reproduced in annex I.

With these guidelines in mind this report is presented in four chapters. Following the introduction in chapter I, the nature, causes and effects of the conventional arms race are considered in chapter II. Chapter III describes principles, approaches and measures of conventional disarmament, and chapter IV contains the conclusions and recommendations of the Group of Experts.

Relevant principles derived from the Final Document

The Final Document of the Tenth Special Session of the General Assembly (resolution S-10/2), adopted by consensus by the Assembly in 1978 at its first special session devoted to disarmament and solemnly reaffirmed at its twelfth special session, in 1982, the second special session devoted to disarmament, represents the international disarmament strategy for the international community.

The principles derived from the Final Document of the Tenth Special Session which provide the perspective on and address the subjects of the conventional arms race and conventional disarmament contain the following main elements:

- (a) The existence of nuclear weapons and the continuing arms race pose a threat to the very survival of mankind.
- (b) The accumulation of weapons, particularly nuclear weapons, constitutes much more a threat than a protection for the future of mankind.

- (c) The continued arms race means a growing threat to international peace and security. The nuclear and conventional arms build-up threatens to stall the efforts aimed at reaching the goals of development, to become an obstacle on the road of achieving the new international economic order and to hinder the solution of other vital problems facing mankind.
- (d) The vast stockpiles and tremendous build-up of arms and armed forces and the competition for qualitative refinement of weapons of all kinds pose incalculable threats to peace.
- (e) Removing the threat of a world war—a nuclear war—is the most acute and urgent task of the present day. The choice is either to halt the arms race and proceed to disarmament or face annihilation.
- (f) The goal of disarmament efforts in this nuclear age is general and complete disarmament under effective international control. Negotiations should take place towards that end. Negotiations on partial and more comprehensive measures should be conducted concurrently.
- (g) General and complete disarmament under strict and effective international control shall permit States to have at their disposal only those non-nuclear forces, armaments, facilities and establishments as are agreed to be necessary to maintain internal order and protect the personal security of citizens and in order that States shall support and provide agreed manpower for a United Nations peace force.
- (h) Priorities in disarmament negotiations shall be: nuclear weapons; other weapons of mass destruction, including chemical weapons conventional weapons, including any which may be deemed to be excessively injurious or to have indiscriminate effects; and reduction of armed forces. Nothing should preclude States from conducting negotiations on all priority items concurrently.
- (i) Real progress in the field of nuclear disarmament could create an atmosphere conducive to progress in conventional disarmament on a worldwide basis. Progress in nuclear disarmament would be facilitated both by parallel political or international legal measures to strengthen the security of States and by progress in the limitation and reduction of armed forces and conventional armaments of the nuclear weapon States and other States in the regions concerned.

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- (j) Together with negotiations on nuclear disarmament measures, negotiations should be carried out on the balanced reduction of armed forces and of conventional armaments, based on the principle of undiminished security of the parties with a view to promoting or enhancing stability at a lower military level, taking into account the needs of all States to protect their security. These negotiations should be conducted with particular emphasis on armed forces and conventional weapons of nuclear weapon States and other militarily significant countries. States with the largest military arsenals have a special responsibility in pursuing the process of conventional armaments reductions. There should also be negotiations on the limitation of international transfer of conventional weapons, based in particular on the same principle, and taking into account the inalienable right to self-determination and independence of peoples under colonial or foreign domination and the obligations of States to respect that right.
 - (k) Further international action should be taken to prohibit or restrict for humanitarian reasons the use of specific conventional weapons, including those which may be excessively injurious, cause unnecessary suffering or have indiscriminate effects.
 - (l) All States should actively participate in efforts to bring about conditions in international relations among States in which a code of peaceful conduct of nations in international affairs could be agreed and which preclude the use or threat of use of nuclear weapons. In this context, the nuclear weapon States are called upon to take steps to assure the non-nuclear weapon States against the use or threat of use of nuclear weapons.
 - (m) A more stable situation in Europe should be achieved at a lower level of military potential on the basis of approximate equality and parity as well as undiminished security of all States with full respect for security interests and independence of States outside military alliances.
 - (n) Disarmament and arms limitation agreements should provide for adequate measures of verification satisfactory to all parties concerned in order to create the necessary confidence and ensure that they are being observed by all parties. The form and modalities of the verification to be provided for in any specific agreement depend upon and should be determined by the

purposes, scope and nature of the agreement. Where appropriate, a combination of several methods of verification as well as other compliance procedures should be employed.

- (o) Agreements or other measures should be resolutely pursued on a bilateral, regional and multilateral basis with the aim of strengthening peace and security at a lower level of forces, by the limitation and reduction of armed forces and of conventional weapons taking into account the need of States to protect their security and bearing in mind the inherent right of self-defence embodied in the Charter of the United Nations.
- (p) Bilateral, regional and multilateral consultations and conferences should be held where appropriate conditions exist with the participation of all the countries concerned for the consideration of different aspects of conventional disarmament.
- (q) Gradual reduction of military budgets on a mutually agreed basis and/or through parallel actions based on a policy of mutual example would contribute to the curbing of the arms race.
- (r) The dynamic development of detente, encompassing all spheres of international relations in all regions of the world, with the participation of all countries, would create conditions conducive to the efforts of States to end the arms race, which has engulfed the world, thus reducing the danger of war. Progress on detente and progress on disarmament mutually complement and strengthen each other.
- (s) All States Members of the United Nations should stress the special importance of refraining from the threat or use of force against the sovereignty, territorial integrity or political independence of any States, or against peoples under colonial or foreign domination seeking to exercise their right to self-determination and to achieve independence; non-intervention and -non-interference in the internal affairs of other States; the inviolability of international frontiers; and the peaceful settlement of disputes, having regard to the inherent rights of States to individual and collective self-defence in accordance with the Charter.
- (t) In order to facilitate the process of disarmament it is necessary to take measures and pursue policies to strengthen international peace and security and to build confidence among States, including commitments to confidence-building measures.

- (u) The adoption of disarmament measures should take place in such an equitable and balanced manner as to ensure the right of each State to security and to ensure that no individual State or group of States may obtain advantages over others at any stage. At each stage the objective should be undiminished security at the lowest possible level of armaments and military forces.

Definition of Conventional Weapons

It is not easy to give a short and precise definition of the conventional weapons and armed forces which form the subject-matter of this study. In fact, whereas strict and unambiguous definitions would be needed when negotiating a treaty, what is required here is rather a broad characterisation of the subject which focuses attention on the main issues, but which is, at the same time, comprehensive enough to encompass all that is pertinent.

The main focus in a study of conventional disarmament must clearly be those conventional weapons and forces which constitute the bulk of the global military build-up and those which figure prominently in contemporary armed conflicts and in assessments of the military power of States. The main focus, in short, is the land, sea and air forces, and other kinds of armed services, and their weapons, and military technology together with equipment and facilities. However, no weapons or military means in general should be excluded from the field of conventional disarmament except those weapons which are dealt with in other contexts, namely, nuclear weapons, chemical and biological weapons, radiological weapons and other weapons of mass destruction. In practice, the term "conventional weapons" has acquired both inclusive and exclusive meanings: on the one hand, it points to certain broad categories of weapons whilst, on the other, it denotes weapons that are not of certain specified types, deemed "weapons of mass destruction". Both meanings must be retained in this study to make it both focused and comprehensive.

Faced with a similar problem of characterising the field, it would cover, the United Nations Commission for Conventional Armaments, in a resolution adopted in August 1948, advised the Security Council that the Commission considered:

"... that all armaments and armed forces, except atomic weapons and weapons of mass destruction, fall within its jurisdiction and that weapons of mass destruction should be defined to include atomic explosive weapons, radioactive material weapons, lethal chemical and biological

weapons, and any weapons developed in the future which have characteristics comparable in destructive effect to those of the atomic bomb or other weapons mentioned above."

This approach in which conventional weapons are understood to mean all weapons other than weapons of mass destruction has been adopted in all subsequent work on disarmament in the context of the United Nations. With further elaboration, it is also suitable for the purposes of this study.

First, it is event that "weapons" or "armaments and armed forces" must be understood as "means of warfare" in the widest sense. They include forces, weapons and weapon systems as well as all other military equipment and military facilities.

Second, the notion of "mass destruction" was characterised by the Commission both in terms of the physical principles on which the weapons are based and in terms of the scale of the destructive effect of the weapons. This apparent ambiguity should not be misunderstood. It implies that new types of weapons with similar destructive effect might in the further be recognised as weapons of mass destruction, whatever the physical principles on which that effect is based, although up to now no such weapons have been identified. But, it does not mean that weapons hitherto regarded as weapons of mass destruction become conventional or "ordinary" means of warfare simply by manufacturing smaller warheads: nuclear, chemical and similar weapons retain their character as weapons of mass destruction, however, small their size.

The fact that certain conventional weapons, in particular area munitions, such as cluster bombs, fuel-air explosives and incendiaries, might cause loss of life and/or destruction on a scale comparable to that of chemical munitions and even of the smallest types of nuclear explosives should not be permitted to blur the fundamental qualitative distinction between weapons of mass destruction and other types of weapons. Nor is this essential distinction affected by the fact that conventional munitions have been used on occasion for purposes of mass destruction, e.g. the use of bomber aircraft for carpet bombing in the Second World War.

Another apparent complication arises from the existence of dual-purpose equipment, i.e. artillery, missiles, aircraft, etc., designed to be used both with nuclear (or chemical) and with conventional high-explosive munitions. In one sense, it is the warheads, and not the

carriers and the associated equipment and forces, which are weapons of mass destruction; and yet it is the complete weapon system that has to be taken into account. Similarly, while in some instances it is possible to identify certain units of armed forces as serving with nuclear or other weapons of mass destruction, others as serving with conventional weapons, and yet others that may be trained and equipped to use both, there are many whose skills and deployment are intended to provide support services to all. Examples of such military personnel are those employed in communications, administrative, logistic, basic training, medical, dental and physical security functions. In practice, however, limitations, reductions and prohibitions of dual-purpose equipment and forces could be agreed upon during negotiations either in the context of conventional disarmament or in the context of disarmament relating to weapons of mass destruction.

Finally, it bears underlining that for the purposes of this study the term “conventional” also covers types of weapons which encompass radically new techniques arising from qualitative technological advances but which are not weapons of mass destruction, such as laser-guided, particle-beam or other directed energy systems, “Conventional” weapons should not be understood restrictively as referring only to orthodox or traditional weapons.

In brief, therefore, the formulation of the Commission on Conventional Armaments, as quoted in paragraph 16 above, remains the basis for the present analysis it being understood that it is taken as a broad characterisation of the subject of this study rather than as a definition in a formal sense.

An Overview

The year 1945 was selected as the starting point for the study for three important reasons. First, it was the year that saw the end of a global conflict which took, it has been estimated, more than 50 million lives all of which, except for the grave tragedies of Hiroshima and Nagasaki, were as a result of the use of conventional weapons. Secondly, 1945 saw the appearance and use of nuclear weapons whose dark shadow has since hung over mankind and which continue to be the first ever and greatest threat to the survival of the human race. Thirdly, 1945 also saw the birth of the United Nations Organisation designed first and foremost, as stated in the opening words of the Preamble to the Charter:

“to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind...”

The question of the regulation and reduction of conventional armaments and armed forces was taken up by the United Nations, concurrently with the question of nuclear weapons and atomic energy, during the first session of the General Assembly in 1946. The issue became a subject of negotiations in the following year when the Security Council, to which the General Assembly had referred the matter by a resolution that was passed unanimously established a Commission for Conventional Armaments. The Commission envisaged “a system for the regulation and reduction of armaments and armed forces, in order to make possible the least diversion for armaments of the world’s human and economic resources pursuant to Article 26 of the Charter of the United Nations”. Armaments and armed forces were to be regulated and reduced to the extent “consistent with and indispensable to the maintenance of international peace and security”.

Fundamental differences of approach within the Security Council, however, marred the Commission’s work from the start. At the General Assembly’s request, the Security Council formally dissolved the Commission in 1952; the question of conventional disarmament was then considered along with the question of nuclear disarmament by a newly established Disarmament Commission and, from 1954, also in its five-Power Sub-Committee comprised of Canada, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Within the General Assembly the issue of conventional armaments was taken up annually in the framework of regulation, limitation and balanced reduction of all armed forces and all armaments. However, the Disarmament Commission and its Sub-Committee failed to reach any agreement and the latter did not reconvene after its 1957 session. Towards the end of 1959, decisions were taken both within and outside the United Nations leading to the resumption of negotiations on disarmament. On 20 November 1959, the General Assembly unanimously adopted resolution 1378 (XIV), in which, *inter alia*, it expressed “the hope that measures leading towards general and complete disarmament under effective international control will be worked out in detail and agreed upon in the shortest possible time”. Separately, a Ten-Nation Committee on Disarmament (TNDC), comprised of Bulgaria, Canada, Czechoslovakia, France, Italy, Poland, Romania, the USSR, the United Kingdom and the United States, convened at Geneva in March 1960

but it, too, failed to achieve any success and ceased to function at the end of June 1960.

Subsequently, in September 1961 a statement containing agreed principles as a basis for multilateral negotiations on disarmament was issued jointly by the Soviet Union and the United States for circulation to all States Members of the United Nations at the sixteenth session of the General Assembly. That statement, *inter alia*, made it clear that the goal of disarmament negotiations should be to achieve general and complete disarmament, under strict and effective international control. Thus, both nuclear and conventional disarmament measures were seen in that context. In resolution 1722 (XVI) of 20 December 1961, the General Assembly welcomed the joint statement and recommended that negotiations on general and complete disarmament should be based on the principles set out therein.

With the establishment in 1962 of the Eighteen-Nation Committee on Disarmament (ENDC) in Geneva, negotiations took place, *inter alia*, on a draft treaty on general and complete disarmament, but without any result. The focus remained on the priority task of nuclear disarmament and the question of conventional armaments received little attention. The situation remained unchanged when ENDC was expanded and converted into the Conference of the Committee on Disarmament (CCD) in 1969; this remained the case even when a further enlargement of the membership of CCD took place in 1975.

During the 1960s and 1970s, there was an ever-increasing accumulation of weapons, both nuclear and conventional. The fact that the existing nuclear weapon States were increasing their nuclear weapon stockpiles heightened the general concern about the maintenance of international security. This, together with the possibility that additional States would resort to the development of nuclear weapons as a means of strengthening their security, raised the danger of proliferation of nuclear weapons. At the same time, qualitative and quantitative refinements to conventional weapons were being made, stockpiles were growing and the expenditure of resources on arms increased. Mounting concern at the direction of these trends led to the convening of the tenth special session of the General Assembly in 1978 the first special session devoted entirely to the subject of disarmament. This session identified priorities in disarmament negotiations as: nuclear weapons; other weapons of mass destruction, including chemical weapons; conventional weapons, including any which may be deemed to be

excessively injurious or to have indiscriminate effects, and reduction of armed forces.

The effort to deal with the issue of conventional armaments outside the United Nations framework has been mainly on a regional basis and, on the whole, the results have been meagre. The Final Act of the Conference on Security and Co-operation in Europe, not itself a disarmament document, laid down provisions for security in the broadest sense. Disarmament is not on the agenda of the first stage of the Conference on Confidence- and Security-building Measures and Disarmament in Europe. The negotiations on mutual reductions of forces and armaments and associated measures in central Europe between the North Atlantic Treaty Organisation (NATO) and the Warsaw Treaty Organisation, begun at Vienna in 1973, remain inconclusive, although there has been some progress. Talks between the United States and the Soviet Union on the limitation of military activities in the Indian Ocean and, separately, on the question of conventional arms transfers, begun in 1977, have been suspended since 1979. At the regional level outside Europe, the peace-zone proposal for the Indian Ocean has made no headway, even though more than a decade has passed since it gained recognition as an important security measure.

Although Latin America is one of the least-armed regions in the world, eight Latin American States—Argentina, Bolivia, Chile, Colombia, Ecuador, Panama, Peru and Venezuela—signed the Declaration of Ayacucho in December 1974. The States concerned undertook to establish conditions permitting effective limitation of armaments and ending the acquisition of arms for offensive purposes, so that all possible resources might be devoted to the economic and social development of the Latin American countries. The Declaration has been reaffirmed in subsequent meetings and could be the basis for significant progress.

At the global level, the only substantive agreement in the area of conventional armaments is the recent Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects which was opened for signature in 1981. This Convention and its three Protocols provide new rules for the protection of civilians and civilian objects from injury or attack under various conditions by means of: (a) fragments that cannot readily be detected in the human body by X-rays; (b) land-mines and booby-traps; and (c) incendiary (flame or heat) weapons. The Convention is an important step forward in the

humanitarian area but it cannot be regarded as a measure of actual arms limitation or disarmament. Even so, it represents an advance on which there might be further improvement.

To sum up, the results of disarmament efforts devoted to conventional weapons, both inside and outside the United Nations framework have been meagre. In the absence of any significant curbs, the massive and competitive accumulation of conventional weapons, in particular by States with the largest military arsenals, has proceeded with only brief periods of abatement since the end of the Second World War and in recent years there has been a marked upward spiral in the conventional arms race, especially in its qualitative aspect.

Perspectives on the Conventional Arms Race and Conventional Disarmament

The period since 1945 has seen remarkable scientific and technological change. The store of human knowledge has probably increased at a faster pace than during any other era, as has mankind's capacity and ability—particularly in a technological sense—to change the conditions in which human beings live. At the same time, the world's population has risen from some 2.5 billion to 4.7 billion and politically the world has changed significantly as many nations have gained their independence from colonialism or have otherwise achieved Statehood.

It has been estimated that throughout this period of uneasy peace the world has consistently devoted between 4.5 to 7 per cent of its GNP to military expenditure. Furthermore, in the past two years world military spending has been rising—in real terms—at about 5 per cent per year, well above the post-war trend. By far, the largest proportion of total expenditure is attributable to the Soviet Union and the United States and their allies.

This persistent expenditure on arms and armed forces constitutes what is widely known as the arms race, the form and effects of which have been described and documented in many publications, including previous United Nations studies, as follows:

“The arms race involves, willingly or unwillingly, the militarily and economically most powerful States and the main political-military alliances, and, indirectly, the whole world, and has profound political, economic, social and psychological impacts on humanity. The intensive race to accumulate ever more sophisticated and destructive weapons and the elaboration of methods and means for their use affect in a most dangerous way every facet of international relations and constitute major

obstacles to the establishment of a system of international relations based on justice, equality, independence and co-operation.”

In a subsequent study the wider political implications of the arms race were described as follows:

“The arms race, of course, is primarily an expression of deeper political differences between States, but, as armaments accumulate, military security becomes both an intensifying concern and a more elusive state while at the same time the difficulty of resolving the underlying political issues is magnified by States. But, the dilemma is that the process—the competitive accumulation of armaments—has taken such a firm root in the political, social economic and cultural fabric of societies that the growing insecurity it breeds simply generates a demand for more armaments.

In terms of the threat posed by the world-wide arms race, the existence and possibility of use of nuclear weapons places in jeopardy the very survival of mankind. This underlines the primary importance of effective measures of nuclear disarmament and of the prevention of nuclear war so fully recognised by the United Nations General Assembly in the Final Document of the Tenth Special Session. At the same time, there is a pressing need for measures to halt the conventional arms race. Since the Second World War, there has been an almost uninterrupted series of wars which have been fought with conventional weapons and which have caused untold suffering and destruction. Casualties, direct and indirect, have been in the millions. In some cases there have been serious possibilities that conflicts or crises might have escalated into nuclear war. In fact, the present international climate of insecurity and confrontation both aggravates and is aggravated by the ongoing arms race in nuclear and conventional weapons.

Another important reason for taking up the limitation and reduction of conventional weapons and armed forces is the cost of the arms race. Military' expenditures were estimated to be approaching \$US 800 billion in 1983, depending on the method of calculation, and are likely to exceed that figure in 1984. At least four fifths of that amount, it is generally believed, are absorbed by conventional arms and armed forces, the vast majority being borne by the States with the largest military arsenals and other militarily significant States. This huge consumption of material and technical as well as human resources for potentially destructive purposes is in stark contrast to the urgent need for social and economic development, for which many of these resources might otherwise have been used.

These factors together with the complexities of the present world situation demand effective measures aimed at eliminating the threat of war, easing tensions between nations and strengthening international and national security.

Though differing in scale, arms races are not new phenomena in the history of the world. But, in the present era for the first time an arms race has acquired a truly global character. The contemporary accumulation of arms, both nuclear and conventional, also undermines international peace and security, reflects and aggravates international tensions, sharpens conflicts and jeopardizes the security of all States.

Progress towards conventional disarmament cannot proceed very far in the absence of substantial progress in nuclear disarmament. Conventional disarmament in isolation would perpetuate existing asymmetries in the security of States in favour of those States which possess nuclear weapons or other weapons of mass destruction. In certain areas limitations and reductions in conventional weapons and armed forces without accompanying reductions or elimination of nuclear capabilities in the region would leave non-nuclear weapon States at a disadvantage. The conventional disarmament process should not jeopardize the security of any State and it should be aimed at achieving general and complete disarmament. In fact, that conventional disarmament should be pursued in conjunction with nuclear disarmament is a fundamental principle which has been reiterated by the Programme of Action of the Final Document of the Tenth Special Session and the guidelines of the Disarmament Commission for this study

Conventional arms development takes place in a small but growing number of States. However, the largest producers and suppliers of weapons to others bear a special responsibility. Even so, recent years have witnessed the acquisition of weapons beyond the needs of self-defence by many other States and it has to be recognised that, in accordance with paragraph 28 of the Final Document, all States have a duty to contribute to efforts in the field of disarmament. There is much that the States with the largest military arsenals could do to curb the conventional arms race by way of agreements amongst themselves and to exercise extreme restraint in projecting their military strength beyond areas of their territorial concerns. However, this by no means absolves all other States from discharging their responsibilities towards reversing the conventional arms race.

As far as global and regional aspects of conventional disarmament are concerned, both should be taken up simultaneously. As the conventional arms race is global in character, this factor must be taken into account in adopting approaches to conventional disarmament. This is not to overlook the existence of local and regional aspects or to make light of the role these aspects play in exacerbating the conventional arms race, but only to put the accumulation of arms in perspective. Local and regional aspects also play an important role in the context of the conventional arms race and it is mainly in this context that the regional approach assumes considerable importance. Clearly, just as there are significant differences in factors affecting each region, so the approaches selected will differ: thus, for instance, approaches *in* Europe, which contains the largest regional concentration of conventional arms and armed forces and large numbers of nuclear weapons as well, will not necessarily apply elsewhere although experience gained in Europe may be useful in other regions too.

Regional disarmament is a necessary complement to global measures and an important constituent in the step-by-step approach to global disarmament. In particular, it can facilitate global negotiations aimed at general and complete disarmament through promoting security, mutual confidence and co-operation among States. Regional restraint in the production, acquisition and accumulation of conventional weapons can also contribute to world-wide disarmament in the conventional field.

A number of proposals have been, and are being, considered within the United Nations framework which have a bearing on the question of conventional forces and armaments. Among these have been proposals for the limitation and reduction of conventional armed forces and armaments, proposals for limitations of, or reductions in, military expenditure, proposals relating to international arms transfers and proposals for non-stationing of weapons of any kind, including anti-satellite weapons, in outer space.

Another line of action pursued has been to adapt and expand the international humanitarian law applicable in armed conflicts by prohibitions, or restrictions on use, of certain conventional weapons deemed to be excessively injurious or to have indiscriminate effects. Prohibitions of this type were included in the Hague Conventions at the turn of the century, in the Geneva Protocol of 1925, and in the 1981 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively

Injurious or to Have Indiscriminate Effects. However, in general, it can be said that progress has been slow and inadequate.

The reversal of the arms race is closely interrelated, *inter alia*, with the strengthening of international security and the attempt to make international relations more predictable, the concept of establishing trust among States, the willingness of States to settle their disputes by peaceful means and ultimately with the possibilities for normalisation or stabilisation of the relations of States with their neighbours or potential adversaries. Furthermore, political divisions between States often become integrally bound with the pressures of a competitive accumulation of arms, sometimes leading to the outbreak of armed conflicts and further worsening of relations. The interference of those States with the largest military arsenals can greatly deepen local conflicts and plunge regions into protracted turmoil. In regions which may be regarded as strategically or economically sensitive, such turmoil can be a source of considerable threat to international security.

Expenditure on conventional arms ensures the continued diversion of increasingly vast amounts of scarce resources for military purposes and this deprives the world of the means of alleviating human misery and strengthening mankind's material prospects. The deterioration of the human and material condition is a major source of increased social and political instability in the world.

The principal purpose of disarmament efforts' is to increase the security of all States. At each stage of the process it is necessary to provide at the very least for their undiminished security. It is only when the framework of the effort to reverse the conventional arms race is defined in terms that ensure security of States at the lowest possible levels of armaments that it will be possible to obtain the widest consensus among States. It is, therefore, essential that the various approaches and proposals for reversing the arms race and for seeking conventional disarmament should reflect and produce effects that accord with these abiding concerns. A major principle in this context is the inherent right of States to individual and collective self-defence as provided in the Charter of the United Nations and States cannot be expected to reduce significantly their armaments without the establishment of a climate of greater security. It therefore, follows that the provision of enhanced security must be a basic element of negotiations towards the achievement of conventional disarmament, as part of a process of general and complete disarmament under effective international control.

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TOWARDS CONVENTIONAL DISARMAMENT

The study has discussed in broad terms, for the first time in the United Nations context, the nature, causes and effects of the conventional arms race and has addressed principles, approaches and measures for conventional arms limitations and disarmament. This, in itself, is useful in that such an exercise assists in identifying possibilities for progress in the field of conventional arms limitations and disarmament as well as difficulties that might be encountered in negotiations.

Mankind today is confronted with an unprecedented threat of self-extinction arising from the massive and competitive accumulation of the most destructive weapons ever produced. Existing arsenals of nuclear weapons alone are more than sufficient to destroy all life on earth. Thus, the existence and the possibility of the use of nuclear weapons pose a unique danger to the very survival of the human race. The Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament, held in 1978, which was solemnly reaffirmed at the Twelfth Special Session of the General Assembly, second special session devoted to disarmament, held in 1982, therefore, states that effective measures of nuclear disarmament and the prevention of nuclear war have the highest priority. At the same time, there is a pressing need for measures to halt and, reverse the conventional arms race and prevent conventional war.

A large number of armed conflicts have occurred even since the end of the Second World War in 1945, involving a death toll of many millions of people, and there are no signs that there will be a decrease in the incidence and severity of such engagements. Under these circumstances, it is clear that negotiations for limitation and gradual reduction of armed forces and conventional weapons should be resolutely pursued. This was also recognised by the General Assembly in the international disarmament strategy set out in the Final Document.

The accumulation and increasing sophistication of conventional arms has a global character with varied implications for all regions of the world. Furthermore, the prospects foreshadowed by advanced, emerging or other high technologies seem likely to create new complications for the disarmament process. In exercise of the inherent right of all States to protect their security and in the continued absence of a fully functioning system of international collective security, States rely on their own national means of self-defence, either alone or in cooperation with other States. The development and acquisition of military capabilities have varied widely from region to region and country to country, but the overwhelming proportion of armed forces and weapons are maintained by a small number of States of military significance. According to one estimate world annual military spending, in 1983 United States dollars, exceeds \$800 billion, at least four fifths of this amount being expended on conventional arms and armed forces. Some 70 per cent of this global total is attributable to a small number of States and the largest share to the USSR and the United States. Furthermore, nearly all technological innovation in weaponry takes place in a small number of countries. It should be recalled that according to the Final Document States with the largest military arsenals have a special responsibility in the process of conventional armaments reductions.

The present conventional arms race is closely related to the political tensions and differences between East and West. It is also related to tensions, conflicts, and confrontations in other parts of the world, including situations arising from foreign occupation, colonial domination, denial of the right of peoples to self-determination, racism and intervention. These conflicts and confrontations tend, in many cases, to be drawn into the East-West context. The conventional arms race generates mistrust and apprehension and sometimes arises from, and on other occasions can lead to, actions perceived by others as threatening or hostile or as attempts to achieve superiority or domination. In other words, in one form or another tensions and the arms race have a mutually reinforcing effect.

The global expenditure on arms and armed forces represents a massive consumption of resources for potentially destructive purposes in stark contrast to the urgent need for social and economic development, for which many of these resources might otherwise have been used. In a world, in which hundreds of millions suffer from hunger, malnutrition, illiteracy and ill-health, the consumption of resources on such a scale

for accumulation of arms runs counter to the objectives of promoting social progress and better standards of life set out in the preamble of the Charter of the United Nations. This led earlier United Nations studies to conclude that the world is faced with a choice between a continued arms race or a more stable and balanced social and economic development, for the two are in conflict and cannot go together.

Disarmament is not merely to be considered as an end-state or a product: it is also a process—a process of negotiations on partial measures to be conducted concurrently with negotiations on more comprehensive measures and to be followed by negotiations leading to a treaty on general and complete disarmament under effective international control. The purpose of disarmament efforts is to increase the security of all States and it is now universally accepted that the accumulation of arms, which is a major element in the arms race, decreases international security. The process of conventional arms limitations and disarmament should be conducted with particular emphasis on armed forces and conventional weapons of nuclear weapon States and other militarily-significant countries. However, all States have the duty to contribute to efforts in the field of disarmament. This is particularly true in view of the nature and ferocity of conventional war fought with modern weapons and because conflict in one area can easily spread to a wider area and might even escalate into nuclear war, quite apart from the risk that nuclear war may break out in various other ways. Concrete measures of conventional arms limitation and disarmament would do much to reduce distrust and fear among nations and thus, would have a positive effect of their own on international relations; in turn, such a development could improve prospects for measures of nuclear disarmament and therefore international security in its broadest and most significant sense. It follows that progress in nuclear arms limitations and disarmament should not serve to stimulate the conventional arms race.

To turn the present conventional arms race towards the process of disarmament it is important that States should endeavour to reduce the problems posed by fear, distrust and misperception. To a very great extent the reversal of the arms race will depend on the readiness of States, on the one hand, to refrain from taking actions such as military aggression, intervention, occupation and all other actions in violation of the Charter of the United Nations and, on the other band to cooperate with each other in the interests of peace and mutual security. Negotiations are the classic approach to resolving international problems

and conventional arms limitations and disarmament are no exception to this rule. Accordingly, States should endeavour to establish appropriate conditions for, and engage in, dialogue with a view to achieving success in negotiations.

The problem of the conventional arms race is urgent and requires concrete steps to be taken in the field of conventional disarmament. Because the subject is very broad and politically sensitive, however, the Group refrains from making specific proposals concerning the precise subject, framework and timing of future negotiations or other actions that could be taken. This notwithstanding, the Group has identified, particularly in chapter III, the following subjects which, depending on particular circumstances, could be the object of consultations and negotiations:

- (a) Non-increase, reductions or agreed ceilings in specified categories of major weapons and/or in numbers of military personnel;
- (b) Qualitative restrictions on armaments (e.g. restraints on weapons and equipment perceived as being particularly threatening);
- (c) Reductions and restrictions on deployments of different types of armed forces (e.g. restraints on military presence and activities in specified areas, especially when perceived as being particularly threatening; withdrawal of specified force components from agreed areas; demilitarised zones);
- (d) Measures aimed at ensuring that outer space is used solely for peaceful purposes;
- (e) Restrictions on or reductions in military budgets and expenditure;
- (f) Quantitative and/or qualitative limitations on arms transfers;
- (g) Additional restrictions on those weapons which may be deemed to cause unnecessary suffering or have indiscriminate effects;
- (h) Confidence-building measures of all types which could promote conventional arms limitation and disarmament;
- (i) Measures to keep regions from becoming involved in confrontations or disputes originating elsewhere, e.g. restraints on different forms of extra-regional military presence, involvement or activities, due consideration being given to the inherent right of States to individual or collective self-defence;
- (j) Reversal or curtailment of military activities which adversely affect the right of peoples freely to determine their systems of

social and economic development and hinder the struggle for self-determination, and the elimination of colonial rule, racial or foreign domination or occupation.

In some cases an individual measure may need to be supplemented by others. All measures should be so designed that no individual State or group of States may obtain advantages over others at any stage and that the security of States be enhanced. Any arms limitation and disarmament agreements should be accompanied by verification measures the forms and modalities of which should depend on and be determined by the purposes, scope and nature of the relevant agreements. States should provide relevant information whenever required for negotiation and implementation of specific agreements. Progress towards disarmament, including conventional disarmament, would be facilitated by strict compliance by States with their commitment to refrain from the threat or use of force as set forth in Article 2, paragraph 4 of the Charter of the United Nations and by steps reinforcing this commitment.

Depending on the circumstances, deliberations and negotiations could take place in connection with or outside the United Nations; actions might be taken unilaterally, bilaterally, regionally or multilaterally, between individual States or groups of States. It should, however, be kept in mind that States Members of the United Nations are under an obligation to strengthen the role of the Organisation and that the United Nations offers a variety of organs for pursuing issues relating to arms limitations and disarmament. When the issues are considered outside the United Nations, the obligations of participants under the Charter of the United Nations should be borne in mind together with the provisions of the Final Document of the Tenth Special Session.

Progress in arms limitations and disarmament will to a large extent depend upon the state of relations between the Soviet Union and the United States and States members of the two main alliances. In view of their significant roles in world affairs, action by the Governments of the Soviet Union and the United States to improve their mutual relationship would facilitate practical steps of conventional arms limitations and disarmament, not only between themselves and their allies but also to some extent in other regions of the world. Taking into account recent technological developments, all States, in particular the United States and the Soviet Union, should make the utmost efforts with a view to preventing an arms race in outer space.

The negotiations in Vienna on mutual reduction of armed forces and armaments and associated measures in Central Europe have now been under way for over 11 years. It would be a considerable achievement if the States involved would put to good use the results of their thorough examination of all relevant aspects of the military situation in the area concerned in order to arrive at specific agreements on substantial reductions and other measures of disarmament in that area.

As Europe is a region having the largest accumulation of weapons and forces, an early and successful outcome at the Conference on Confidence- and Security-building Measures and Disarmament in Europe, at present taking place at Stockholm, would be a meaningful contribution to the process of disarmament and would also represent *a* significant contribution to European security as well as to international peace and security in general.

While some States have a special responsibility, there is an urgent need for all States to explore what each and every one of them might be able to do in the way of initiating or facilitating efforts aimed at conventional arms limitations and disarmament. This would particularly apply in the case of regional approaches, where the responsibility of States in their particular regions is self-evident. All States should therefore, give consideration to evolving measures which would be conducive to conventional arms limitations and disarmament in their own particular circumstances. Regional or sub-regional organisations or arrangements can make a valuable contribution to the process of conventional arms limitations and reductions in their areas. Bilateral, regional and multilateral consultations and conferences should be held, where appropriate conditions exist, for the consideration of different aspects" of conventional arms limitations and disarmament. Initiatives such as those envisaged in the Declaration of Ayacucho referred to previously in this report could be considered in this context. All extra-regional States should refrain from activities which would undermine the effectiveness of regional arrangements. Regional and extra-regional States which are parties to such arrangements would, in fully discharging their obligations, including any provisions therein pertaining to verification', be contributing to the goals of disarmament. Endeavours by States in a region should be given the whole-hearted support of extra-regional States.

Notwithstanding that negotiations are the most important method for achieving disarmament, parallel actions by mutual example and/or

unilateral initiatives may be impulses for progress in disarmament efforts and should therefore be considered where conditions permit. A variety of measures may be possible that could contribute to easing tensions, initiating or pursuing negotiations, preventing the deterioration of a military situation and, generally, for improving the environment for negotiating conventional arms limitations and disarmament.

One feasible approach to such negotiations would be to aim at lower levels of military potential on the basis of approximate equality and parity, as well as of undiminished security of all States. However, difficulties could be encountered in attempting to translate equality, parity or balance into numerical terms, particularly as the negotiating parties are likely in many cases to make differing assessments. The problems arising from the great disparities in military potential between various States, both nuclear weapon States and non-nuclear weapon States, should also be taken into account. It is important that no State or group of States should be able to derive unilateral military advantage and that the security of all States should be not only maintained but enhanced and it follows that the process of disarmament should be, in itself balanced. There might be advantages in exploring additional avenues in the search for approaches to equity at a successively lower level of armaments *as* a basis for conventional arms limitations and disarmament efforts. One possible avenue might be to deal in a negotiating process first of all with those force components or types of armaments which could be considered, by the parties concerned as having a particularly threatening effect. If such an approach were taken, the prospects for conventional arms limitations and disarmament might be significantly enhanced.

Confidence-building measures can play an important role in progress towards disarmament in that they can encourage a climate of trust and international co-operation. A wide range of measures—political, military, social, economic and legal—was identified in the comprehensive study submitted by the Secretary-General in 1981. States should explore the possibilities for enhancing the prospects for disarmament through such measures as are appropriate to the differing characteristics and needs of various regions in the world. In the European context it would be an important achievement if the first stage of the Conference on Confidence- and Security-building Measures and Disarmament in Europe were to produce substantial results so as to pave the way for a second stage which should be devoted to concrete disarmament measures.

Arms transfers have considerable implications for conventional disarmament. The subject of arms transfers is complex and arouses many concerns, particularly, among States without indigenous arms production facilities and/or with a legitimate need to import arms for self-defence. Hence, limitation of transfers of major weapons must take place with due regard to the right of states to individual and collective self-defence in accordance with the Charter of the United Nations, as well as the inalienable right to self-determination and independence of peoples, including those under colonial or foreign domination, and the obligations of States to respect that right. Major suppliers and recipients should engage in consultations to explore possible bases for reaching agreements to restrain the transfer of arms. The Soviet Union and the United States could consider the question of reopening their suspended talks on the limitation of conventional arms transfers.

However, any arrangements among a limited number of suppliers to restrain transfers would have little lasting value if other supplier States were to respond by expanding their arms production and transfer activities and recipient States were to provide them with opportunities to do so by actively seeking additional arms from these other suppliers. Thus although a possible USSR-United States arrangement on arms transfers could be an important component of any process of conventional arms limitations and disarmament, any such arrangement would need to be accompanied by wider supplier/recipient negotiations, perhaps on a regional basis.

An enlightened and determined commitment by the public in all countries is essential for substantial progress in conventional arms limitations and disarmament. The principal role of the United Nations in building such a public commitment is to provide accurate information and to promote a sound understanding of the issues involved and of the different points of view as a basis for effective political action for disarmament. Effective measures of nuclear disarmament and the prevention of nuclear war have the highest priority. Conventional disarmament is, however, also a priority item as the conventional arms race contributes significantly to tensions and insecurity in the world, increases the risk of war including nuclear war—and absorbs the greater part of global arms expenditures. Therefore, it is also necessary to bring to the public's attention in factual and objective manner, e.g. by means of the World Disarmament Campaign, approaches and measures by which conventional arms limitations and disarmament may be

achieved. It is hoped that the analysis and comments made in this study would be helpful in this regard.

The contemporary conventional arms race is characterised by a number of interactive elements the full extent of which it is difficult to assess: it is part of the overall accumulation of arms, including nuclear and other weapon mass destruction, it is global in scope in that there is now virtually no the world or even outer space which might not be drawn into a war; and modern conventional weapons, particularly those based on very advanced technologies, possess highly destructive capabilities, increasing lethality and in certain cases can create complex problems of verification. Given the complexity of the subject, the Group has not been able to deal in depth with all the elements set out in the guidelines for the study agreed by the Disarmament Commission: for instance the elaboration of a factual account of all aspects of the conventional arms race, the international transfer of conventional weapons, and the impact of emerging, advanced or other high technologies upon the arms race.

Furthermore, there remains the need for thorough consideration of future developments in the conventional arms race and the dangers that they may pose for international security. Another important issue emerging from the Group's work is the need, with a view to arriving at concrete arrangements through negotiations, to explore more thoroughly the approaches to negotiating agreements in the field of conventional arms limitations and disarmament, taking into account the various characteristics of the military forces concerned and paying special attention to those force components that be perceived by the parties concerned to be particularly threatening.

It is the hope of the Group that this study will assist the international community in its search for effective measures of conventional arms limitations and disarmament.

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GUIDELINES FOR THE STUDY ON CONVENTIONAL DISARMAMENT

The General Assembly, at its thirty-fifth session, adopted resolution 35/156 A of 12 December 1980, in which it approved in principle the carrying out of a study on all aspects of the conventional arms race and on disarmament relating to conventional weapons and armed forces, to be undertaken by the Secretary-General with the assistance of a group of qualified experts appointed by him on a balanced geographical basis. The General Assembly also agreed that the Disarmament Commission should work out the general approach to the study, its structure and scope, and requested the Disarmament Commission to convey to the Secretary-General the conclusion of its deliberations which should constitute the guidelines for the study.

At its thirty-sixth session, the General Assembly adopted resolution 36/97 A of 9 December 1981, in which, *inter alia*, it requested the Disarmament Commission at its substantive session in 1982 to complete its consideration of the general approach to the study, its structure and scope and to transmit the conclusions of its deliberations to the group of experts.

In fulfilment of this task, the Disarmament Commission has agreed that the following text should constitute the guidelines for this study.

The general approach of the study should take full account of the following provisions and principles:

- (a) The causes of the arms race in conventional weapons are of fundamental significance);
- (b) The provisions of the Final Document of the Tenth Special Session of the General Assembly devoted to disarmament are of primary importance, particularly those related to principles, priorities and progress in conventional disarmament);

- (c) Among genuine measures of disarmament, effective measures of nuclear disarmament and the prevention of nuclear war have the highest priority. To this end, it is imperative to remove the threat of nuclear weapons, to halt and reverse the nuclear arms race until the total elimination of nuclear weapons and their delivery systems has been achieved and to prevent the proliferation of nuclear weapons;
- (d) Together with negotiations on nuclear disarmament measures, the limitation and gradual reduction of armed forces and conventional weapons should be resolutely pursued within the framework of progress towards general and complete disarmament. States with the largest military arsenals have a special responsibility in pursuing the process of conventional armaments reductions. Other militarily significant States are also important in the context of achieving conventional disarmament. The contributions of all States in this regard are invaluable in lessening world tensions;
- (e) Consideration of the question of the limitation and reduction of conventional weapons should take into account the need of all states to protect their security as well as the inalienable right of self-determination and independence of peoples under colonial or foreign domination. The adoption of disarmament measures should take place in such an equitable and balanced manner as to ensure the right of each State to security so that no individual State or group of States should obtain advantage over others at any stage);
- (f) Negotiations on the reduction of armed forces and of conventional armaments should have at each stage the objective of undiminished security at the lowest possible level of armaments and military forces;
- (g) The study should analyse the global dimension of the arms race in the conventional field and take due account of its regions aspects;
- (h) The study should promote conventional disarmament within the context of general and complete disarmament in seeking appropriate ways and means conducive not only to intensifying ongoing, but also initiating new negotiations that would produce concrete results in the field of conventional disarmament. The study should also draw attention to the growing dangers of the arms race in the field of conventional disarmament;

- (i) Agreements on reductions of armaments and armed forces should include appropriate provisions for verification);
- (j) The group of experts should be guided by the principle of consensus in its reporting, with sufficient flexibility to allow the reflection of differing viewpoints.

The scope and structure of the study should contain the following conceptual and/or practical elements:

- (a) The identification of the nature of the conventional arms race within the context of the global arms race, and its principal underlying causes);
- (b) A factual account of all aspects of the conventional arms race on the basis of available data, particularly the size of conventional arsenals, local production, the capabilities and effects of present weapon systems and their relationship with other categories of weapons);
- (c) The international transfer of conventional weapons, including regional aspects and military alliances);
- (d) The impact of the accumulation of conventional armaments in the regions which constitute major areas of continuing tension and crisis in the world, and in regions with large concentrations of conventional weapons and armed forces;
- (e) The use or threat of use of conventional arms against the sovereignty, territorial integrity, political independence of any State and for intervention and interference in the internal affairs of States;
- (f) The impact of technological advances and research and development upon the conventional weapons arsenals of States, and upon the arms race in the fields of conventional and other categories of weapons;
- (g) A description of the relevant social, economic and political effects of the conventional arms race and its consequences for the international situation, taking into account the need for and the beneficial effects of disarmament measures in this field;
- (h) The contribution of confidence-building measures to further progress in conventional disarmament.

In addition to other sources, it is recommended that the group of experts should make full use of the studies by the Secretary-General already completed or in preparation, and should take into account

four working papers submitted to the Disarmament Commission (A/CN.10/27, 28, 33 and 34).

In their findings, the members of the expert group should include their assessments of the effects of the conventional arms race on the prospects for disarmament. Following the guidelines set out above, they should also identify areas in which measures to curb the conventional arms race and to achieve conventional disarmament ought to be pursued and make recommendations accordingly.

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NATURE, CAUSES AND EFFECTS OF THE CONVENTIONAL ARMS RACE

A. Nature and Causes of the Conventional Arms Race

The present arms race that began after 1945 has assumed a world-wide character affecting all major regions. The nuclear weapon States and the two military alliances account for the overwhelming proportion of armed forces and weapons in the world. Furthermore, most of the world's armaments and combat equipment are produced in a small number of countries and, while other countries and regions are acquiring weapons at an increasing rate, by far the largest part of the weapons produced remain in the arsenals of the producing States themselves. These countries also carry out most of the world's military research and development, although the two most powerful States are far ahead of the others in this respect. Nearly all technological innovation in weaponry takes place in five or six countries. The pace of the arms race and the rate of obsolescence of weapons throughout the world are heavily influenced by these few countries.

The roots of the present arms race are many and complex. To a large extent, they can be found in political and socio-economic differences between the countries from the two groups of States which later came to form the two main alliances. In political terms, the tensions between East and West still constitute the central feature of the present arms race. Behind the arms build-up in the world there is also a complex tangle of criss-crossing conflicts and confrontations, some related to specific situations existing in particular regions and some domestic in origin. Many of these conflicts tend to be drawn into the East-West context, sometimes through the political sympathies or at the initiative of the countries concerned, or sometimes at the initiative of countries of the two groups. This tends to exacerbate both these conflicts themselves and East-West tensions.

Attempts to preserve existing relationships in the world, or to change those relationships in favour of one State or a group of States at the expense of another are also contributing factors to the arms race; in effect, this is detrimental to the security of all countries.

In withdrawing from their colonial possessions, the former colonial Powers left behind a legacy of problems which have aggravated tensions and have further complicated the present arms race. In some places, the process of achieving independence is not entirely complete and in these instances racial and colonial domination as well as the denial of the right of peoples to self-determination and independence constitute a factor for the acceleration of the arms race and hence threaten regional stability and international peace and security. There are some regions where force levels are comparatively minor and where the primary security concerns of States are not the forces of other countries of the region, but acts of colonialism, imperialism, interference or intervention, originated by extra-regional States. In other regions primary security concerns continue to be force levels, massive arms supplies, the perpetuation of conflicts, and practices and/or threats of interference and intervention, in particular armed intervention, by some States within the region. In all cases these factors, *inter alia*, seriously endanger international peace and security and adversely affect prospects for halting and reversing the arms race.

In the area of the greatest accumulation of weapons, namely, Europe, the military situation has been relatively stable. However, owing to the awesome character of the arsenals available to the countries involved, and to the political and military conditions in the region, any armed conflict is capable of igniting a global nuclear conflagration.

Underlying the global arms build-up is the perception of fundamental political, social and ideological differences and of basic conflicts of interest. Instances of hostile or aggressive conduct, the development and introduction of new and modern weapons or increase in military budgets and forces have frequently led to a perception of danger and have induced other States to take countermeasures. In turn, these are often perceived as threatening or hostile or as attempts to achieve military superiority or to dominate over others. In some cases, counter-weapons have been developed or preventive action has been taken not in response to actual conduct but in anticipation of possible steps by the other side. Finally, there are also entirely different types of causes, such as the existence of internal pressures for weapons and forces emanating from military and civilian establishments. Once an arms

race as all-encompassing as the present one is under way it continues largely of its own momentum, all the while creating new grounds for fear and recrimination. In practice, it is impossible in every case to separate all these different factors and determine their relative importance.

One of the most basic problems underlying the arms race has been ineffective implementation and use of the system of collective security envisaged in the Charter of the United Nations. Member states have the inherent right of individual or collective self-defence until the necessary international measures can be brought to bear on the situation, but in the absence of an effective guarantee of their security nations have sought security in their own military forces or in those of allies.

A large number of armed conflicts have occurred since the end of the Second World War. The exact number depends on the criteria used and several lists using different methods have been drawn up. A widely recognised source shows 120 armed conflicts, including those involving sub-national groups, in the period 1945-1976. By now, the number of armed conflicts since 1945 has probably risen to over 150. More than half of the member states of the United Nations have participated in one or more of these conflicts, which were fought in the territories of over 71 States. The developing world has been the stage, and indeed the victim, of almost all of these armed conflicts, many of which might have escalated to situations dangerous for world security. A large majority of them have been marked by various forms of involvement, including intervention, sometimes at the invitation of one or both parties, on the part of developed countries, varying from covert assistance or limited logistic support to full participation.

It has been estimated that over 20 million people have died in these conflicts. A conservative estimate of human losses since 1960 puts the figure at about 11 million. Moreover, the heavy death toll presents only a partial view of the magnitude of human suffering caused by these conflicts. Nor do current trends give any reason to believe that there will be a decrease in the incidence and severity of armed conflicts.

If current trends continue, it is inevitable that there will not only be more and continued human suffering but also a continual rise in the world's military expenditure, to the further detriment of social and economic development in the world. As a general rule, acute political-conflicts often lead to substantial increases in military expenditure.

The costs of attendant preparations for war and supporting military action, and the subsequent costs of replacing lost equipment and damaged installations, are very high indeed. Moreover, the social and economic penalties are rarely, in this modern interdependent world, limited to the participants themselves.

The conventional arms race endangers international security in a number of ways. First, in heightening military confrontation and increasing political tensions, it can enhance the possibility of armed conflict between the major Powers, a development that could lead to the use or threat of use of nuclear weapons. Secondly, it threatens to increase the incidence and severity of armed conflicts in different regions of the world. Thirdly, it increases global and regional political tensions in different regions and in the world as a whole and thereby impedes the progress of international society towards a more stable world order. Fourthly, it leads to the diversion, in increasing amounts, of scarce resources, both human and material, that are urgently needed to improve the material well-being and the general welfare of mankind.

Except for brief periods of relative stability, the world's military expenditure has been alarmingly on the increase since after the end of the Second World War and has probably quadrupled over what must be regarded historically as a relatively short time-scale. Currently, as indicated in paragraph 36, the world's total military expenditure is estimated to be in excess of \$US 800 billion a year. During the 1970s, it increased in real terms at an average annual rate of 2.5 per cent. In recent years, the rate of increase has been much higher. Over the past 10 years alone, the world's military expenditure has totalled more than five thousand billion dollars at 1980 prices. If recent trends should persist, the world's military expenditure could reach or exceed one thousand billion dollars a year, in current dollars, well before 1990.

The numbers, costs and capabilities of conventional weapons and armed forces at present in the world are very difficult to measure with accuracy. Statistics released by Governments often have differing bases of calculation and variations in definition and concepts make comparability a task to be undertaken with great caution, particularly in the area of international comparisons of financial cost. Many countries decline to make available detailed statistics of expenditure, *materiel* and personnel on a regular basis on the grounds that to do so would endanger national security. Other countries release much more information. In any event, the complexities of individual national

budgetary systems are such that it is impossible to determine with clarity the full-range of military activities and expenditures that are included, in some cases substantial amounts of military expenditure may be hidden under civilian items, e.g., much military R and D may be shown under science and technology development in the civilian side of a country's budget.

The level of military expenditures alone does not necessarily relate to operational availability and efficacy of armed forces and weapons which vary widely from country to country and even within different units of one national force. This arises from a wide range of factors, such as the nature of the weapons and equipment, technical proficiency, logistic support, the length of service of individuals in the armed forces, morale, training, the qualities of organisation and leadership and so on. Thus, comparison and judgement of conventional arms and armed forces are often very subjective; this itself becomes part of the problem in that a nation's assessment of its needs for weapons and military personnel to a large extent arises from its perception of threat to national security and interests represented by the military strength of potential adversaries.

However, for the purposes of this study general data is sufficient to illustrate the size of the problem and so the information given in this subsection may be taken as a very general guide. According to SIPRI, about 70 per cent of the world's military expenditure can be attributed to six main military spenders (alphabetically, China, France, Germany, Federal Republic of, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America) of which the largest share is by the two major military Powers. The levels of military expenditures of different categories of countries are shown in figure 2 on the following page.

A significant proportion of military expenditure is consumed by personnel costs, notwithstanding the fact that there are wide variations in pay, allowances and personnel support services from country to country. The world's armed forces at present are estimated to total more than 25 million military personnel. That total excludes paramilitary forces, reservists and non-military personnel engaged directly or indirectly in military-related activities, whose number considerably exceeds the numbers of military personnel. Rather than decreasing during periods of comparative peace as was generally the case up to the Second World War, the size of the world's regular forces has increased by more than 30 per cent over the past 20 years.

The weapons and equipment available for use are extensive in numbers, variety and efficacy. Among the militarily-significant States there has been a strong shift to weapons of high technology and correspondingly high cost in recent years. Conservative estimates indicate a total conventional weapons inventory which includes over 140,000 main battle tanks, over 35,000 combat aircraft, over 21,000 helicopters, over 1,100 major surface warships and over 700 attack submarines. The cost of major weapons of more recent origin has increased dramatically when compared to weapon types produced in earlier decades, owing to vastly increased complexity. There has also been a substantial rise in the lethality of such weapons, as demonstrated in recent armed conflicts in different regions of the world.

Apart from the increasing development and production costs of major weapons, the costs of operating them and keeping them at operational condition have also risen sharply and in some cases astronomically. Whilst some, usually smaller, weapons are now designed to be more easily maintained at operational condition by simple replacement of faulty components in the field, this is often not the case with more major weapons in that major upkeep and repair requires more extensive, technical facilities with all the support infrastructure demanded by such arrangements.

As previously shown, the countries of the two major alliances account, together with other militarily significant States, for the major share of the world's military expenditure and the world's military arsenal. Such a huge military build-up cannot but affect the security situation also of countries outside the immediate environment of alliance States. This implies that the present overall security situation of various regions cannot easily be regarded in isolation, but must also be seen as part of the continuing problem of ensuring and further strengthening international security.

The subject of arms transfers is a wide one. International arms transfers cover a wide range of forms extending from normal trade to outright gifts. Arms transfers are important in the context of the conventional arms race but are not at the centre of conventional disarmament problems. Many aspects can be argued as having validity, such as the acquisition of certain arms for legitimate needs of self-defence or that being involved in an alliance system inevitably carries with it internal arrangements for such matters as the transfer of arms, support and training. The situation is therefore complex and a variety of factors, domestic and external, act and interact to account for arms transfers.

The full extent of arms transfers is impossible to establish, due to the lack of complete information and the different methods used for compiling and valuing the transfers themselves. Many nations restrict disclosure of information on military sales or purchases. Even among the sources that do make reasonable comprehensive estimates there are sometimes wide variations. The Stockholm International Peace Research Institute (SIPRI) compiles available statistics of arms transfers to developing countries showing amounts and values of the deliveries of four categories of “major weapons”, namely aircraft, missiles, armoured vehicles and ships. The United States Arms Control and Disarmament Agency (ACDA) attempts to include all statistics on transfers of weapons, ammunition, support equipment and spare parts but acknowledges that some of its data is based on hard information and some on uncertain estimates. Numbers of weapons actually supplied are often difficult to calculate and even if a price may be reliably reported in one case it will not necessarily apply in another as weapons may be transferred on highly concessional terms. Prices may also be affected by such factors as production offsets, commodity barter, quantities bought and discounts, varying purchaser requirements for training and maintenance, differing amounts of spare parts and ammunition ordered, or a supplier’s interest in making a transfer for political reasons.

From 1972, when the world total of arms imports stood at \$20.3 billion measured in constant 1981 values, the global arms trade has progressively expanded in real terms. By 1982 the total was estimated by the United States Arms Control and Disarmament Agency (ACDA) to be \$34.3 billion. The distribution was as follows:

Region/Sub-Regional Arms Imports

(Billions United States dollars—constant 1981 prices)

<i>Region/Sub-region</i>	1972	1982
Europe	5.7	6.3
Middle East	3.91	14.4
Africa	1.0	5.1
North America	0.4	0.6
Latin America	0.8	2.6
South Asia	0.7	1.7
East Asia	7.6	3.4
Oceania	0.2	0.2

Source: World Military Expenditures and Arms Transfers, 1972-1982 (United States Arms Control and Disarmament Agency—April 1984), pps. 53-56.

Data from SIPRI, although containing, certain differences, nevertheless confirms the general sense of ACDA estimates. According to SIPRI, during the five-year period 1978-82, the Soviet Union and the United States accounted for about a third each of total arms exports of major weapons. In all, some 90% stemmed from six countries.

According to SIPRI, the largest group of importers of major weapons is comprised of the industrialised countries themselves, whose imports totalled almost as much as the countries of Latin America, Africa and Asia combined. The largest single region importing major weapons has been the Middle East (Bahrain, Democratic Yemen, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia, Syria, United Arab Emirates), which experienced persistent conflicts or threat of conflict throughout the period.

On the supply-side, one of the important factors accounting for arms transfers is the continuous escalation of the arms race and military build-up by the major powers, practices of confrontation and attempts to exert influence in various parts of the world. However, increased reliance on arms supplies as an instrument of foreign policy is also influenced by the nature of the situation in any region where influence is sought. Disputes between States or ambition on the part of one or more of them can make arms supply seem the most effective way of gaining influence in such a region. In this sense, disputes or conflicts of interest between other States have contributed to the need for arms transfers. The extension of arms supply is often a means of establishing or sustaining political influence in recipient States. In many cases, it is also related to economic purposes, such as ensuring the supply of raw materials and commodities from recipient States.

A factor important in some cases is the sale of weapons by the major suppliers partly for the purposes of improving the balance-of-payments position as a whole or its improvement *vis-a-vis* some of the major recipients. The largest part of arms transfers is commercial in nature, rather than by grants-in-aid or by easy credits, although this does not apply uniformly to all supplier States. It may also be mentioned that information on conventional arms transfers under alliance arrangements is in some cases difficult to obtain.

A salient feature of the transfer of arms by the major suppliers in the developed world has been the shift in recent years from the transfers of surplus or outdated weapons to the transfer of up-to-date weapons, in some cases even at the expense of domestic procurement. SIPRI's

arms trade registers—covering major weapons on order or being delivered in 1981—identified approximately 1,100 separate arms transfer agreements of which 94 per cent were for new weapon systems, 2 per cent for second-hand weapons, and 4 per cent for refurbished weapons. One of the reasons for this development is that for some States the research, development and production costs of certain new weapon-systems are so high that producers often seek external purchasers in order to defray some of the expense. Further extension of production lines plays a part in reducing unit costs to the armed forces of the producing countries concerned as well as helping to finance further research and development efforts. It also eases the subsequent problems of manufacturing the necessary spares through the life of the weapon and its associated equipment. Also, modern weapons are being transferred because the production facilities for those of previous generations have been closed down.

There is a significant technological aspect to the competitive sale of arms by some of the major suppliers. Arms sales can be very important for the capacity of particular segment's of the arms industry to sustain the technological momentum that is now necessary to stay in the market and, even more important, to prevent a backward slide to a position of military inferiority *vis-a-vis* other major producers of weapons.

On the demand side of arms transfers, among the most important factors is the fact that many recipient States do not produce major weapons and therefore have to import them to satisfy legitimate needs for self-defence and/or for acquiring military capability. Arms may be imported in response to more specific stimuli such as territorial disputes between neighbouring States; ambition for local or regional dominance, including colonial or foreign domination, on the part of one or more regional or extra-regional States; the perception of military power as an essential symbol or attribute of sovereignty; the climate of insecurity; and, generally speaking, the increased uncertainty about the future of regional and international stability. Major civil strife involving sub-national groups can also contribute significantly to the demand for weapons. In addition, in a general sense, the political importance or dominance of armed forces in some States could also be regarded in some cases as an important factor for the increased demand for weapons, as could the importance attributed to increasing military budgets in other States. As shown earlier, purchasing countries often seek to acquire the most modern and efficient weapons available and these often involve specialised training and maintenance requiring closer liaison with

supplier countries, sometimes to the extent of instructor and technical personnel on loan. However, the most sophisticated conventional weapons systems often remain in the producer countries and on security grounds are not subject to transfer, except to close allies and friends.

Finally, arms transfers are but one aspect of the wider phenomenon of activities and arrangements which serve military-related purposes. These include arrangements in the framework of alliances or for military co-operation such as gifts, off-sets, deployments, co-production, standardisation and technical co-operation; the training of military personnel in the use of transferred weapons; the construction of a variety of military facilities; the transfer of information of military value; the loan of military advisers for assistance in the modernisation of force structures and in the planning and conduct of armed conflict, the transfer of military technology; and the transfer of such equipment and technology which could have military application.

Various forms of arms transfer and related arrangements constitute an important element of the phenomenon of the global arms race and of the present military reality. It is, however, difficult to quantify many of these aspects adequately because of data problems and also because some of them are inherently hard to quantify, such as the value of the transfer of military information including all types of military intelligence, and the sharing of the evaluation of the performance and behaviour of military hardware and/or the application of tactical doctrines in combat. Even so, it is clear that arms transfers are taking place in numerous ways on a significant scale and that the trade in major weapons is only one aspect of a multifaceted phenomenon.

B. Impact and Trends of Technological Developments

Governmental decisions regarding arms build-up are closely linked with the development of military technology; indeed, technology affects in a highly significant way the course and pace of the arms race. It continually fuels the arms race by making possible the development of new types or new versions of existing types of weapon systems and by creating a climate of uncertainty between rivals about the future.

On the one hand, the progress of science and technology has been highly beneficial to mankind and the solution to many of mankind's problems depends on continued advances in science and technology. Although there is research and development which is either specifically military or specifically civilian, it is often difficult to determine in advance whether scientific R and D will be used for either or both civil

and military applications, On the other hand, far from being used only for peaceful purposes, great effort continues to be invested in harnessing science and technology for military purposes; the peaceful benefits that arise from this research are incidental although sometimes by no means negligible. To ensure that the ever growing power accruing from the development of science and technology is concentrated on making advances beneficial to mankind, there is a strong case for diverting scientific and financial resources away from dedicated military R and D and towards more constructive and peaceful ends.

Massive military R and D facilities are at present intricately linked with the arms race. Probably more than half a million scientists and engineers (or as much as 20 per cent of the world's highly skilled scientific manpower) are employed in these establishments, and funds probably well in excess of \$35 billion (approximately one quarter of the world's total expenditure on scientific research and development) are consumed by these establishments every year. Although more countries are now producing sophisticated weapons, qualitative development in conventional arms currently takes place primarily in a small number of developed countries.

As a result of the investments in the military R and D effort, the pace of technological progress in the military sector has been spectacular in recent years. The special momentum thereby given to the current arms race must therefore be regarded as one of its fundamental characteristics and one which make it increasingly dangerous.

The nature of the military R and D process with its long lead-times creates uncertainty about the future military capabilities of potential adversaries. This has led to States developing new weapons on the "action-reaction" assumption that others are also engaged in this process, even though there will often be no tangible information on this during the early stages of the research and development work on such national projects.

Military relationships are therefore no longer assessed merely in terms of the forces and weapons existing at any particular moment in time, since this can change significantly over a relatively short period because of qualitative improvements produced through the R and D process. This, *inter alia*, makes it very difficult to establish sustainable criteria for defining "balance".

The extreme technical complexity and sophistication that characterise modern weapon-systems largely account for the dramatic rise in their

cost of production and maintenance. Since the end of the Second World War several new generations of major weapons have appeared, each one significantly more costly than its predecessor, covering aircraft, tanks, ships and missiles. In real terms such modern weapons are between 2 and 10 times more expensive than those built at the end of the Second World War. The United States XM-1 tank, at a present cost of over \$2.5 million, is at least six times more expensive than the Sherman tank. More specifically, the latest aircraft can be over four times more costly than those of comparatively recent origin; for example, the estimated cost of a modern, sophisticated long-range bomber is \$200 million.

Rapid advances in many areas of science and technology, especially in electronics, telecommunications, computers and directed energy such as laser beams, have made possible the development of highly complex weapon-systems. These advances have pushed conventional warfare towards increased automation. Fundamental changes in the character of war are already under way as the uses that can be made of these advances are better understood and they are increasingly integrated in weapon-systems and in more elaborate command, communication and intelligence systems.

Technological developments have greatly improved the performance of weapons. The destructive effects and lethality of weapons also greatly increase the human and economic costs of armed conflicts. One major trend is the on going development of precision guided munitions (PGMs) and vehicles (RPVs) as well as long-range cruise missiles with multiple conventional warheads and other highly effective conventional weapons, such as weapons with onboard guidance systems, which could fundamentally change the character of conventional warfare. These weapons are able to deliver lighter but more effective warheads over greater distances at a high level of accuracy. More than in combat aircraft, there has been a quantum leap in the development of missile technology and still further qualitative improvements seem to be in the offing.

Another current trend is the prospect of significant increases in spending for military uses of space in the next few years. Whilst space technology has produced certain significant security benefits in the sense of improved national technical means of verification, it now seems highly possible that, unless agreements can be reached with a view to using outer space exclusively for peaceful purposes, *inter alia*, by the prohibition of stationing of weapons of any kind, including

anti-satellite weapons (ASAT), an intensified arms race in space might ensue. Such a development would extend the dimensions of the arms race and add significantly to the climate of military insecurity.

Finally, another way in which the R and D effort conflicts with the prospect of successfully negotiating disarmament agreements arises from the need to retain the scientific expertise and knowledge accumulated by the members of a successful team. There is often a natural tendency on the part of individuals to wish to leave a particular area of scientific research if the project becomes, or is likely to become, part of forthcoming negotiations that may lead to the halting of the project. Therefore, in order to keep the team together, there can sometimes be internal pressure to remove the project from the negotiating agenda.

In general, the increasing sophistication of weaponry in the arms race demonstrates the use that is being made of scientific and technological progress for non-peaceful purposes. As long as the arms race continues, it will not be possible for international society to ensure that the resources devoted to science and technology, particularly the valuable resource of highly trained scientific and technical manpower, are used only for peaceful purposes. A major initiative to turn R and D efforts away from military purposes would do much to slow the pace of the conducive to agreement on measure of disarmament, including conventional disarmament.

C. Social, Economic and Political Effects

As noted in paragraph 16 of the Final Document of the Tenth Special Session, in a world of finite resources there is a close relationship between expenditure on armaments and economic and social development. The colossal waste of resources is even more serious in that it diverts to military purposes not only material but also technical and human resources which are urgently needed for development in all countries, particularly in the developing countries.

The recently updated United Nations report entitled *Economic and Social Consequences of the Arms Race and of Military Expenditures* contains much useful data and informed comment drawing attention to the extremely harmful effects of the arms race on the conduct of human affairs.

In general, probably 500 million or more people in the world either have no jobs or are not fully employed. The figure for those unemployed

or underemployed in developing countries exceeds 450 million people (this excludes China and other centrally-planned economies). Of those who live in urban areas, as many as 250 million people live in slum conditions. One out of every 10 persons living in the world suffers from either hunger or malnutrition. Almost one fourth of mankind exists in conditions of dire poverty, spread over all continents and mainly concentrated in the developing countries. That the world's social and economic conditions are distressingly poor appears self-evident and that these conditions have been deteriorating in recent years while the world's military expenditure has been increasing substantially is an alarming development that does not augur well for the future of mankind.

Poor social and economic conditions in the world, especially over large parts of it, are a source of injustice and can be viewed as a matter of strategic concern from the point of view of international peace and security. Apart from strong humanitarian concerns, there are cogent political considerations for engaging in the task of improving the world's social and economic conditions. The economic and social consequences of the arms race are so detrimental that its continuation is obviously incompatible with the implementation of a new international economic order based on justice, equity and co-operation. It is difficult to conceive of a peaceful world unless, *inter alia*, social and economic conditions are made decent and relatively stable. And, since the mitigation—not to mention, the elimination—of these conditions requires a major reallocation of the world's resources towards peaceful purposes, the conventional arms race comes directly into the picture as a most significant drain of those resources.

Even though in recent years there have been some signs of reduction in the rate of increase, it has been estimated that by the year 2000 the world population will have increased to some 6 billion people from its present 4.7 billion. The pressures that will be placed on the planet's resources will therefore be considerable and constantly growing. Only in conditions of international peace, security and human development in all its aspects can there be optimum use of those resources needed to provide for a dignified quality of life for the coming generations.

The arguments that increased military expenditure generates employment and that it spurs scientific and technological development are essentially misleading. Whatever the short-term effects of military expenditure may be, they cannot be regarded as legitimate justification for continuing the arms' build-up or for maintaining high levels of

military investment. The problems that might have to be faced in shifting resources from the military to the civilian sector are vastly outweighed by the benefits that would accrue to international society from the reduction of armaments and military expenditure under agreed and effective measures of verification. The most important of these is that new possibilities, which are currently foreclosed, would open up for making international society more prosperous.

The arms race has to be seen as both cause and effect of the confrontation in international politics. Increased confrontation has, *inter alia*, an adverse domestic impact to the detriment of stable political and socio-economic development of many countries. That must be regarded as one of the effects of the arms race—not that the arms race creates political polarisation, but that it contributes to its negative consequences for national societies.

Another significant domestic political effect of the arms race and high levels of military expenditure is that they exacerbate the problem of allocating scarce resources between the civilian and military sectors of the economy. The arms race strengthens the domestic military-industrial sector and gives this sector the opportunity for exercising disproportionate influence over policy-making, which often tends to be in the direction of increased military expenditure or increased reliance on military power,

The arms race and the continuing increase of military expenditure have significant social, economic and political effects and these interact with problems of inflation and recession that beset most countries. The diversion of increasing amounts of resources towards military expenditure diminishes resources available for social welfare and productive investment purposes and thus may heighten social tensions over the issue of the allocation of resources. A heightening of social tensions produces political effects that have an adverse impact on political stability.

D. Consequences for International Relations, Peace and Security

Rather than improving security between countries, massive efforts to develop or acquire arms often undermine the very security they are intended to generate. The strong often become stronger but do not feel more secure, while the weak become more susceptible to external pressures and interference, and therefore are less secure. Countries that take part in the acquisition of arms beyond the very minimum needed to achieve legitimate self-defence pay a heavy economic price.

In the absence of general and complete disarmament, countries enjoy the right to maintain force for legitimate self-defence. However, it is exceedingly difficult to determine what constitutes the minimum level of arms for legitimate individual and collective self-defence, especially in situations that are susceptible to change over relatively short periods of time.

The preoccupation of States with the military aspects of national security gives vigour to the arms race and encourages belief in the utility of military force. The availability of arms as a factor in a given international situation often increases the danger that the option of force will be used rather than a peaceful settlement. Thus, the risk of conflict sharpens and all too often the effectiveness of modern weapons is brought to bear with ruthless severity on human life and property. The use of massive arms supply to certain States, based on their perceived security needs, as a lever to extract concessions from States in relation to international disputes in which they are involved, can be counterproductive and adversely affect the prospects for international peace and security.

The escalation of the arms race renders international political relations more rigid and increases the level of confrontation, thus endangering further the security of all States, particularly those States who are not members of alliances. In such circumstances, the benefits of progress in conformity with the aspirations of peoples are often postponed or opposed and solutions to many international disputes are also delayed or prevented.

A meaningful system of security that can generate sustainable peace in the world cannot be achieved by manipulation of the arms race and the military situation. The arms race, especially in view of the nature of the military R and D process, cannot be expected to generate enhanced international security; technological developments in the military field often aggravate the situation and have harmful effects on the security of nations. There is a clear need to move towards collective security as envisaged in the Charter of the United Nations and to seek other collateral ways of promoting detente, effective disarmament and co-operation among States. Also, the significance of the disarmament effort should therefore be assessed more broadly and fundamentally in terms of its relevance to the establishment of a better world order as a whole.

History indicates no instance in which a permanent, positive effect on a nation's security has ever been drawn from a massive accumulation

of weapons. The arms race is a divisive factor in relations among States which stands in sharp contrast to the compelling political, social and economic needs for international co-operation. Directly and indirectly, the arms race damages international stability and undermines the prospects of peace, and international security and human well-being in all its aspects. Thus, there are strong arguments that the international machinery offered by the United Nations should be used to find a collective security approach in which there would be significant reductions of arms and armed forces in the world to the levels necessary to maintain internal order and protect the personal security of citizens and to contribute to United Nations peace forces.

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CONVENTIONAL DISARMAMENT: PRINCIPLES, APPROACHES AND MEASURES

A. Principles of Conventional Disarmament

The basic principles which should guide the efforts of States in the pursuit of conventional disarmament can be found in the Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament. This study contains and extends those principles. The Final Document identifies priorities for negotiations on disarmament, as described in paragraph 8 (h) of this study. The Final Document also stresses the relationship between disarmament efforts and efforts to strengthen international peace and security and build confidence among States, as well as efforts to strengthen institutions for maintaining peace and the settlement of international disputes by peaceful means.

The Final Document places conventional disarmament efforts in the context of general and complete disarmament. General and complete disarmament under strict and effective international control will permit States to have at their disposal only those non-nuclear forces, armaments, facilities and establishments as are agreed to be necessary to maintain internal order and protect the personal security of citizens and in order that States shall support and provide agreed manpower for a United Nations peace force. This is the objective and status of conventional disarmament. This implies that conventional disarmament should be pursued as a global process, including efforts at multilateral, bilateral or regional levels.

At each stage of the disarmament process the objective should be undiminished security at the lowest possible level of armaments and military forces, so that at no stage does any State or group of States gain any unilateral military advantage and so that security is assured

equally for all States. Together with negotiations on nuclear disarmament measures, negotiations should be carried out on the balanced reduction of armed forces and of conventional armaments with particular emphasis on armed forces and conventional weapons of States with the largest military arsenals. There should also be negotiations on the limitation of international transfer of conventional weapons, based, in particular on the same principle of undiminished security of the parties and taking into account the inalienable right to self-determination and independence of peoples under colonial or foreign domination and the obligations of States to respect that right, in accordance with the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, as well as the need of recipient States to protect their security.

B. Types of Approaches to Conventional Disarmament

1. General Perspective

As long as States have to rely primarily on their armed forces (either alone or with those of their allies) as the ultimate means for defending their interests and for protecting their security, disarmament is bound to be considered very cautiously or even seen by some States as a process fraught with dangers and uncertainties. Therefore it is important that at no stage should any State or group of States gain unilateral advantage and that security should be ensured equally for all States. When contemplating a specific disarmament measure each State has to weigh carefully, on the one hand, the benefits to be derived from it, and, on the other, the risks inherent in the limitations which the adoption of that measure would impose on its ability to resort to force if all else fails. Other parties will view that same measure in essentially similar terms, but, when security is perceived as dependent primarily on military strength *vis-a-vis* potential enemies, what seems beneficial for the security of one party may be perceived as a security risk by others and vice versa. It is for this reason that it is so difficult to design measures of disarmament which all the parties concerned will regard as compatible with their security requirements.

The achievement of disarmament objectives greatly strengthen international peace and security, as has been recognised by all States. But, the process of disarmament is composed of measures each of which, if it is militarily significant, tends to be viewed with uncertainty and even apprehension by participants—the more so, the more acceptable

it is to others. The disarmament process must overcome these doubts and measures must be designed with this aim in view so that greater trust and confidence is continuously built among States. The failure to do so has been one of the important reasons why disarmament, so persistently called for and so long pursued, has progressed so little.

The universal recognition that disarmament would strengthen international security is thus of little avail when a workable disarmament programme is to be drawn up. In that endeavour the key problem is how to design a programme and its individual steps and how to combine these steps with simultaneous measures in other fields in such a way that each of the States concerned will regard each step as being, on balance, beneficial from the point of view of its own and mutual security. This is the requirement referred to in the Final Document of the Tenth Special Session, as "the principle of undiminished security of the parties" or as the need "to ensure the right of each State to security and to ensure that no individual State or group of States may obtain advantages over others at any stage."

While recognising the right and need of each State to security, it is important to stress that undiminished security of States is an essential requirement of disarmament negotiations. It is not possible, however, to keep wholly apart the strengthening of international security which is, ultimately, the purpose of disarmament, and the strengthening of national security which is its prerequisite. Developments throughout the world have become narrowly interconnected. This is particularly true at the most basic level: with the advent of nuclear weapons survival cannot be taken for granted and disarmament has become a task in which States can only succeed together or fail together. The maintenance of international peace and security has become essential for the security of each State and, conversely, without adequate security for each, there is no security of the whole. These various aspects have been discussed in the report of the Secretary-General on *The Relationship between Disarmament and International Security*.

The appropriate approach would be to provide security through collective arrangements such as the system contained in the Charter of the United Nations, in which the Security Council has responsibility for maintaining international peace and security and is mandated to take enforcement action if need be. If the collective security system set out in the Charter of the United Nations could be fully implemented so as to provide a reliable basis for the security of States, disarmament would be much simpler to achieve.

A number of other approaches have also been pursued with the purpose of maintaining international peace and security. These comprise efforts to settle disputes by peaceful means, efforts to strengthen detente and co-operation and build confidence among States and efforts, at all levels, to reduce the incidence of armed conflict. These endeavours are of the utmost importance in their own right and as ways to eliminate some of the underlying causes of the arms race. They can be both supplements to and incentives for disarmament measures. But, they cannot be substitutes for disarmament.

As it is, States can be expected to take the approach of relying on their own forces throughout most or all of the disarmament process. In this situation States are bound to demand that each step in the process of arms limitation and disarmament be based on reciprocity and on a careful balance of obligations in the disarmament process itself. In this perspective disarmament measures may seem attractive to some States only when they are completely sure that all others will comply with them. Where mutual trust and confidence is lacking the importance of verification provisions in disarmament agreements increases. In this situation every effort should be made to develop appropriate verification methods and procedures. These should be non-discriminatory, should not unduly interfere with the internal affairs of other States or jeopardize their economic and social development, and should be satisfactory to all parties concerned.

A difficulty with this approach is that, the security of the parties is highly sensitive to perceived or existing imbalances, sometimes stemming from possession by one party of types of forces or weapons not possessed by another, in particular nuclear weapons and other weapons of mass destruction. To create a basis of greater security in which competitive arms acquisition can be avoided and force levels can be reduced, it is therefore important in disarmament efforts to pay particular attention to those weapon systems and those components of the military force postures which are perceived as particularly threatening and which therefore contribute most to overall insecurity.

2. Effective Use of International Machinery in Accordance with the Charter of the United Nations

A corner-stone of the international machinery for settling disputes and maintaining international peace and security is the system of collective security embodied in the Charter of the United Nations, and in particular the powers vested in the Security Council with its

responsibility for maintaining international peace and security and its mandate for taking enforcement action if need be. In fact, the concept of maintaining or restoring international peace and security by military means, embodied of the Charter, has not been applied in practice, in some conflict situations peace-keeping operations have been agreed upon with the parties concerned to maintain or promote peaceful conditions which offer the possibility of political settlement. Under the Charter States have an obligation to settle their disputes by peaceful means and this principle has been elaborated in detail in the Manila Declaration on the Peaceful Settlement of International Disputes adopted by the General Assembly at the thirty-seventh session in 1982 (resolution 37/10). However, in practice they have felt it necessary to retain the means for self-defence as an ultimate recourse.

As regards the peaceful settlement of international disputes and the more effective use of the international machinery available as established by the Charter for this purpose, it has long been recognised that it has a vital role to play in the disarmament process. It is, in fact, implicit in the Charter. Similarly, as stated in the joint American-Soviet Statement of Agreed Principles for Disarmament Negotiations of 1961 and also in the Final Document of the Tenth Special Session, held in 1978, each step in the disarmament process should be accompanied by measures designed to strengthen institutions to maintain peace and to settle international disputes by peaceful means.

In this regard, it is appropriate also to draw attention to the request to the Security Council by the General Assembly at its thirty-seventh session (resolution 37/119) to study as a matter of high priority the question of the implementation of the collective security provisions of the Charter with a view to strengthening international peace and security.

Together with increased efforts towards the timely and peaceful settlement of disputes and conflicts, greater efforts are needed to alleviate or remove the underlying causes of conflicts. In contributing to a climate of trust and a pattern of mutually beneficial relations among States such efforts would facilitate progress in disarmament and would improve the prospects for the effective functioning of the system for the maintenance of international peace and security of the Charter of the United Nations. These tasks lend themselves to global as well as regional efforts in varying combinations. They include the consolidation and expansion of detente, the strengthening of international co-operation in all its aspects, effective steps towards the elimination of

underdevelopment and of oppression in all its forms, and the establishment of international relations on a more equitable basis. These have been central endeavours of the United Nations so far and there have been important achievements in several of these areas.

The elaboration of international law in specific functional spheres and the development of norms for the international conduct of States, both of which have also been enduring endeavours of the United Nations, are an integral part of the development of international trust and co-operation. In fact, such agreements and norms of conduct, and general confidence that they will be respected, are the bases on which a lasting detente can be built.

3. Multilateral and Bilateral Negotiations, Parallel Actions by Mutual Example, Unilateral Initiatives

Conventional, disarmament negotiations do not have the same features as negotiations on nuclear disarmament. In most cases disarmament negotiations on conventional weapons and armed forces demand a multilateral context. Whether to conduct such negotiations bilaterally or multilaterally and whether to pursue them in a regional or in a global framework will depend, among other things, on the nature of the subject-matter, including its political and technical characteristics. The definitive solution to the major problems of conventional disarmament has to be found in a global context, as implied in the goal of general and complete disarmament, but on the way to this goal substantive negotiations should also be envisaged as appropriate in bilateral, regional or other contexts that are not global in scope.

Regarding the participation of States in negotiations the primary considerations should be the character and scope of the measures envisaged, and the States to which they should apply. Some measures would apply to all States. Others might apply to particular groups of States, such as the Soviet Union and the United States, the member States of the two major alliances or the States with the largest military arsenals and other militarily significant States; in these cases, whereas only a limited number of countries are directly affected, the measures might nevertheless have global implications. In other cases, measures might be applicable to the States of a given region, the most heavily armed States in a critical area, or two or more neighbouring States. In the latter instances the primary effects of the measures would be regional and, under certain conditions, they may also have effects at the global level.

Where an issue is of direct concern to a number of countries multilateral negotiations between them might sometimes be combined with bilateral negotiations. Furthermore, in some cases, multilateral negotiations may require simultaneous bilateral or multilateral consultations between certain interested States. In others, negotiations might be initiated between some States and later be extended to an increasing number of countries. Generally, the need to involve more countries will tend to become more pronounced as advances are made towards general and complete disarmament. In this context, the role of the Conference on Disarmament is of the greatest and unique significance. While States with the largest military arsenals have a special responsibility in pursuing the process of conventional armaments reductions, the ultimate success of the effort to halt, reverse and abolish the arms race would depend on the active involvement of all States.

One should not underestimate the potential value for conventional disarmament of actions other than negotiations and formal agreements, such as parallel actions based on a policy of mutual example as well as unilateral initiatives, as contributions to the process of achieving agreed disarmament measures. Such steps may be particularly valuable for easing tensions, initiating the resumption of stalled negotiations, preventing the further deterioration of a military situation, testing each other's interest in negotiations and, generally, for improving the environment for negotiations for arms limitation and disarmament.

4. Regional Approaches and their Relation to Global Aspects of Conventional Disarmament

It is generally recognised that within the purview of global disarmament efforts there is considerable scope for regional initiatives and for practical action on a regional basis. In fact, the fundamental concept of the Final Document of the Tenth Special Session as regards disarmament approaches and disarmament machinery is that of diversity of means and unity of purpose, with the United Nations having a central role and a primary responsibility, and facilitating and encouraging all disarmament measures, be they unilateral, bilateral, regional or multilateral. The study of the Secretary-General on *All aspects of Regional Disarmament*, while stressing the need for harmony between regional efforts and global programmes and priorities, noted that the inclusion of a regional aspect in the approach to disarmament is of particular importance as regards the cessation of the conventional arms race. It stated that "the ubiquity of conventional weapons and armed forces,

their technical and functional diversity and the central role of conventional forces in the security perception of the countries in a region make the question of conventional disarmament highly complex and the possible approaches highly dependent on regional conditions". Conventional disarmament, the study found, is a field in which the scope for regional initiatives is virtually unlimited.

A regional approach to disarmament, far from being inconsistent with global efforts, can supplement and assist them if pursued with the wider aims fully in mind. While it should be stressed that disarmament assumes a particular urgency in some regions, there is a need in all regions for measures of disarmament which would both strengthen regional security and improve the prospects for progress in disarmament at the global level, provided certain conditions are present. In some regions, the continued arms build-up is a major factor endangering international peace and security. In other regions, where the level of armaments is less, the existence of tension and conflict may nevertheless constitute a serious threat to international peace and security. The establishment and reinforcement of military bases and/or foreign military presence forcibly imposed on colonial and other territories, the persistence of colonialism as well as attempts by States to deny the rights of peoples freely to determine their own future as well as their systems of social and economic development constitute a source of danger for the regions concerned and are incompatible with regional disarmament measures, in the context of general and complete disarmament. Priority should therefore be given, *inter alia*, to the eradication of these factors, to the settlement of disputes by peaceful means through negotiations, and to the promotion of self-determination and respect for territorial integrity of States. Such factors would be taken fully into account in a regional approach. Furthermore, it might be possible in some cases to reach agreement on a regional basis on measures more far-reaching than those which could be implemented at that time on a global basis. In other cases, initiatives taken in one region, suitably modified, might be valid models for other regions or give impetus to global efforts along similar lines.

In some cases, efforts have been or are being made to develop and/or adopt measures conducive to keeping regions from becoming involved in confrontations originating outside them. In that context, and without prejudice to the inherent right of States to individual or collective self-defence, particularly in situations of tension, mention has been made of: arms limitation and reduction; non-introduction or withdrawal of

certain types of weapons; non-introduction or withdrawal of foreign military advisers and other forms of military assistance or presence; refraining from the staging of military manoeuvres and shows of force; non-establishment of new bases, withdrawal or non-reinforcement of existing bases; avoidance of either the threat of or recourse to covert or overt interventions; avoidance of attempts to foment or exploit internal difficulties of individual countries or regions.

The importance of the regional dimension in conventional disarmament derives above all from the fact that the security concerns of States, and to some extent even their concepts of security, differ from region to region although certain concepts for resolving political differences and achieving disarmament may be applicable to all regions; military stability and the relative strength of opposing forces are of major concern in some regions. This is particularly true in Europe, where there is the largest accumulation of weapons and where the two major alliances directly confront each other. Negotiations on disarmament questions in Europe have pursued the achievement of a more stable situation in Europe at a lower level of military potential on the basis of approximate equality and parity, as well as on the basis of undiminished security of the parties. The ongoing negotiations on mutual reduction of armed forces and armaments and associated measures in Central Europe have encountered significant difficulties but are continuing. This approach may be of assistance in other regions. However, the approach to disarmament which has been tried in this situation may not be completely applicable or may not be the most effective in other regions due to, *inter alia*, factors listed. In some cases, initial efforts might perhaps more usefully focus on regional co-operation and all types of confidence-building measures, while in other areas such efforts might focus on the settlement of disputes by peaceful means in order to enhance regional co-operation and all types of confidence-building measures. In all cases, efforts should focus on measures to keep the region from becoming involved in confrontations originating outside the region. All such efforts might enhance prospects for disarmament.

It is evident that disarmament efforts in individual regions of the world should be consistent with efforts towards general and complete disarmament. Moreover, if disarmament was approached solely in a regional context in total disregard of conditions and developments in other regions and globally, it might not even serve its immediate purpose of enhancing security in that region itself. It might also entail a risk of

losing sight of global priorities and of the special responsibility of States with the largest military arsenals in pursuing the process of conventional armaments reductions. In many regions, it would be difficult to conceive that major steps relating to disarmament or security might be taken without the active co-operation or the tacit accord of outside powers that have a significant influence on the security situations in the respective regions. This in itself would ensure the insertion of regional disarmament measures into a wider context. In accordance with this, all regional measures which have been adopted so far including the Antarctic Treaty, the Treaty for the Prohibition of Nuclear Weapons in Latin America, the Declaration on the Denuclearisation of Africa, and the Final Act of the Conference on Security and Co-operation in Europe—although the latter is not in itself a measure in the field of disarmament—have, as a matter of course, been designed not only with regional purposes in mind but also as contributions to global security and as means to promote disarmament in a wider framework through partial, geographically limited measures.

5. Mutual and Verifiable Arms Limitations and Reductions

Disarmament through agreed limitations and reductions, based on reciprocity and adequate measures of verification satisfactory to all parties concerned, is the approach which has been most consistently pursued in the past by various groups of States. As disarmament achieved in this way presupposes the consent of all the parties concerned, it may be safely assumed that any disarmament measure actually adopted will meet the requirement of ensuring security for each party—at the minimum, undiminished security and, if possible, strengthened and even enhanced security. In practice, efforts towards mutual and verifiable arms limitations and reductions have always been aimed at some sort of approximate equality: equality in the reductions or limitations imposed, or equality in the military force that each is allowed to retain. Negotiated mutual limitations and reductions can then lead to a more stable situation at a lower level of military potential, characterised by approximate equality and parity.

The core concept of this approach is that of preserving peace and security through a carefully designed balance of military forces at substantially lower levels and adequately verified. Effective verification of disarmament agreements assumes particular importance in this context, because of the need for each party to have confidence that commitments under the respective agreements are being observed by

all parties. What is needed are appropriate methods and procedures of verification which are non-discriminatory and which do not unduly interfere with the internal affairs of other States or jeopardize their economic and social development.

The concept of a balance of forces implies that mutual and verifiable arms limitations and reductions are most readily applicable in a context involving two States or two groups of associated States. In multilateral contexts it is more difficult to devise a set of force levels which could represent a military balance acceptable to all parties concerned. Sometimes negotiations, could be facilitated by being limited to a particular geographical area. Thus far, multilateral negotiations have more often dealt not with quantitative limitations and reductions but rather with qualitative limitation, i.e. with the complete abolition of specified types of weapons, either globally, as in the case of chemical and biological weapons, or regionally, as a step towards global prohibition, as in the case of nuclear weapons in Latin America. In the case of conventional weapons and armed forces, such qualitative limitations might take the form of global or regional agreements to prohibit certain types of weapons altogether, or they might consist in limitations on the technical performance and mission capability of weapons and forces. Such qualitative restrictions will be considered later.

Negotiations on mutual and verifiable limitations and reductions in conventional weapons and forces aimed at a more stable situation at a lower level of military potential on the basis of approximate equality and parity, as well as on the basis of undiminished security of all States, is a feasible approach, particularly in the context of East-West relations. In any such negotiations the security interests and independence of third parties need to be fully respected and taken into account. The application of the same or similar approaches to conventional arms limitations and disarmament could be considered by countries in other parts of the world.

Negotiations to establish a more stable situation at lower levels of military potential can, however, meet with difficulties which must be openly recognised if they are to be overcome. They arise from the fact that to translate equality, parity or balance into numerical ratios of forces and armaments in concrete situations, a variety of factors relating to the composition of the forces and the characteristics of the armaments of the different parties, to geography and so forth have to be taken

into account. Thus, in any negotiation on limiting or reducing specific categories of weapons or forces, the military significance of such categories cannot be viewed outside the context of these factors, in particular the overall military capabilities of the States involved. These factors are often difficult to assess in an objective way and the negotiating parties are likely in many cases to assess them differently. Such differences in assessments might result in further complications.

Negotiations on arms limitations and reductions could also meet with problems arising from the great disparities in military potential between various States, for example between nuclear weapon States and non-nuclear weapon States, or even between the nuclear weapon States themselves. These disparities give rise to differing security concerns and would emphasise the need for all these factors to be taken into account in the resolute pursuit of the disarmament process.

6. Enhancement of International Stability and Security: Military Aspects

Under present circumstances, in the midst of an ongoing arms race and an unfavourable international climate, disarmament is particularly necessary, though difficult. In order to stimulate the disarmament process, attention should be given to all its aspects, including approaches which would enhance international stability by diminishing the risk of war and reducing mutual fears, thus promoting the security of States. In this context it is useful to explore approaches which address security-related elements such as military postures, activities and force deployments which other States could consider as being particularly threatening. In analysing these elements one should, of course, bear in mind that military and technical capabilities must be seen in the context of political decisions, military strategies and doctrines. These, in turn, are based on national conceptions of security interests, some of which may not be compatible with the security interests of other States and international stability. In this context, the particular problems posed by the existence of nuclear weapons must also be taken into account, in particular the basic disparity in military capability between nuclear weapon States and non-nuclear weapon States. Those problems, as well as the political aspects of security problems, are, however, considered elsewhere in the study and what is dealt with here is primarily the military aspects of international stability and security in so far as conventional forces and armaments are concerned.

In this regard it would be highly advisable if States, in exercising their legitimate right to protect their security, on their own or together

with allies, sought to avoid military activities, deployments and procurement decisions which others might regard with apprehension and perceive as adversely affecting their security and which could prompt them to a military build-up. Thus, States might seek to put greater emphasis in their overall military posture on forces which in terms of equipment and deployment would be perceived as defensive.

This could be accomplished in several ways. It could be done on a purely national basis or through attempts to promote restraint by mutual example. In either case it would mean exercising self-restraint in the production and modernisation of conventional weapons and in manpower programmes and selecting among alternative ways of satisfying security requirements those that would appear least provocative to others. The most effective approach, however, would be through negotiated agreements on a bilateral, multilateral or regional basis. This approach would appear to be particularly applicable in the case of attempts to reduce existing military capabilities. It is, therefore, important that States engaged in conventional disarmament negotiations examine the possibility of dealing first with those elements of their overall military postures or with those weapon systems which might cause most concern to the parties. Initial consultations on these issues by interested parties, undertaken in the context of specific regions or situations, may focus on identifying such elements and thereby stimulate negotiations and facilitate agreement on the most effective steps for reducing the level of conventional forces while enhancing stability.

Stability and security in the purely military sense considered here do not, of course, require exact equality in every type of conventional weapons and forces between the States concerned or exact parallelism in their force structures. What is required is rather an overall force balance which gives a feeling to each party that its defence capabilities are sufficient to oppose any attack and which thus enhances stability. Such an overall balance would be promoted by reducing those weapons perceived by the parties concerned as the most threatening. This would facilitate a lowering by the parties of their defence requirements and could lead to a sustained disarmament process involving significant reductions in the levels of armaments.

It would be difficult if not impossible to categorise in a general way and in all cases different types of conventional forces and armaments as being in and of themselves threatening or non-threatening, more destabilising or less destabilising, offensive or defensive since the military effectiveness of any characteristics but also on the specific military

and geographic context in which they are deployed. Therefore, any discussions of reductions in the levels of particularly threatening force elements and weapon systems can only be undertaken within the framework of the relevant specific military with due regard for geographical and other factors.

Consultations and negotiations on various types of disarmament measures can be based on such an approach. For example, preliminary consultations and negotiations on quantitative reductions of armed forces and armaments on this basis could lead to agreements according to which different parties would not necessarily reduce the same types of weapon. As regards qualitative limitations, initial discussions about the character of existing or projected weapon systems in specific situations or regions could substantially assist in negotiations aimed at forestalling the development of new types of armaments or the introduction of existing types into new areas and situations. Negotiations on limitations on deployments of forces or armaments could also utilise this approach so that agreed restrictions or reductions in this field would also lead to enhanced military stability and to greater international security. Similarly, negotiations on confidence-building measures can benefit if the parties focus discussions on the military activities of various types of forces perceived by them as particularly threatening.

7. Modalities of Limitations and Reductions (Quantitative/Qualitative, Weapons/ Forces....)

The limitation and reduction of conventional arms and armed forces can be either quantitative or qualitative or both and these can relate either to weapons or manpower or the deployment of weapon and force, or all of them. Although in the long-term the effort to limit and reduce must lead to substantial disarmament, and ultimately to general and complete disarmament, short-term efforts can be directed towards breaking the momentum of the arms race or, at a minimum, towards easing political tensions and lowering the danger of conflict. In general the modality adopted as a short-term measure at a particular time, or with respect to a particular region must be influenced by the characteristics of the military situations and by the principal factors responsible for raising the danger of war or the level of political tensions. The adoption of particular modality may also be with respect to a particular region. While the choice of approach may be determined by the conditions prevailing at a particular time or place, it should be pointed out that as far as the eventual goal of reversing the arms race

with a view to achieving general and complete disarmament is concerned, all the modalities mentioned earlier should be attempted. Briefly, a particular modality may be taken up only as a short-term measure which in time must be supplemented by other modalities. It is in this perspective that the usefulness of particular modalities may be discussed.

Together with attempts to halt the quantitative growth of arsenals and armed forces through agreement on ceilings and reductions, there is a need to deal with the qualitative aspects of the conventional arms race. Indeed, the rapid pace of technological innovation and the rapid dissemination of the latest types of military equipment, while they reflect the sense of insecurity prevailing in the world today, also constitute a major factor further aggravating the apprehensions of States about their security and inducing them to ever renewed military efforts. Qualitative limitations of armaments, including new potentially threatening types developed on the basis of modern technology, must therefore be a central feature of efforts to halt the global arms race, although qualitative and quantitative limitations will have to be further integrated if the arms race is to be effectively curbed.

Quantitative limitations and reductions can either relate to only one or several categories of weapons or forces. Qualitative restrictions, too, can either relate to only one or several categories of weapons or forces, but the restrictions introduced can vary according to the criteria adopted. Qualitative restrictions can also relate to weapons with certain capabilities or characteristics which may not currently exist but which are being developed. In addition, qualitative restrictions could either relate to the production and/or deployment of certain weapons, or even to their testing and development. A qualitative restriction that extends to the testing and development of certain weapons would be a significant way of also controlling the R and D process. With regard to personnel, quantitative restrictions could apply either in terms of a ceiling on the overall size of regular forces or in terms of limits on the deployment of specific military formations.

Other modalities which could be of significance, especially from the standpoint of reducing the danger of war and facilitating regional disarmament efforts are the establishment of demilitarised zones along the frontiers of neighbouring States, limited disengagement of forces in areas of tension, the withdrawal of weapons or forces perceived to be threatening from frontier regions in such areas, and mutually agreed restrictions on land, naval and air deployments in specified areas. Other

measures of importance would be the renunciation of all policies which represent, or are perceived to represent, a serious threat to efforts aimed at the reduction of the danger of war and the promotion of regional disarmament such as: the threat or use of force in contravention of the Charter of the United Nations, the search for spheres of influence, policies of military intervention or invasion and territorial expansion, the deployment of forces in foreign territories without the consent of the States involved, the establishment of foreign military bases and/or foreign military presence forcibly imposed on colonial and other territories and the denial of peoples' rights to self-determination.

C. Possible Concrete Measures

1. General Perspective

The process of halting and reversing the arms race is a complex one, involving many interrelated steps. But, it is important that this process as a whole be conceived in terms of the goal of general and complete disarmament. It should be an integrated process based on a step-by-step approach; thus, it would not be a collection of isolated measures. Such measures, if they remain isolated, would offer little hope of effectively stemming the arms race. This would be even more the case if some States were to use those measures to seek advantage over others, or through their actions, perpetuate ongoing arms competition in some areas of military activity.

Progress in curbing the nuclear arms race would facilitate the conventional disarmament effort—directly and indirectly—for example, by improving relations among the nuclear weapon States. In the absence of tangible progress in dealing with the nuclear arms race, several States, both nuclear and, might hesitate to move far in the direction of conventional disarmament. It is evident that there is a relationship between progress in reducing conventional weapons and armed forces among nuclear weapon States and other States in the regions concerned, taking into account the special responsibility of States with the largest military arsenals, and progress in the limitation, reduction and elimination of nuclear weapons. This underlines the importance of implementing the Programme of Action laid down in the Final Document of the Tenth Special Session.

One important step towards conventional disarmament could be for the States with the largest military arsenals to initiate negotiations with a view to agreeing, depending on the specific situation, not to increase their armed forces and conventional armaments or to reduce

those forces and armaments, either in general or in specified areas, whether in terms of quantity or quality, or to contain them within agreed ceilings. Such agreements, together with such agreed verification procedures as may be required, could provide the basis for further negotiations on reductions in personnel and conventional weapons. Agreements should, in every case, be so designed that no individual State or group of States may obtain advantages over others at any stage and that the security of States be enhanced.

Agreements of this type should be urgently sought and could be concluded at the global level and also on a regional or a bilateral basis. They would be of great significance in reducing international tension and the risk of war, especially in regions where there may be a high degree of tension. The nuclear weapon States, in particular those among them which possess the most important nuclear arsenals, and other militarily significant States should facilitate the attainment of such understandings and should also refrain from actions that might hamper progress towards that objective.

Furthermore, agreements not to increase armed forces and conventional armaments or agreements to reduce those forces and armaments may be restricted to specific types of armed forces and/or specific types of weapons or they may be applied simultaneously to all armed forces and all types of weapons. In some cases, the disbanding of whole military units together with their equipment and weapons might be a practicable way of making progress in conventional disarmament.

A process of universal relaxation of tension is indispensable to the process of disarmament, including conventional disarmament. Progress towards universal detente and progress in disarmament are of fundamental significance and would mutually complement and strengthen each other. All States and regions should be encompassed in a process of universal detente and should contribute to that process.

2. Reductions in Military Materiel

Reductions in military *materiel* in all areas of the world where there are major concentrations of forces and armaments could offer substantial benefits to the States concerned, and indeed to all States, and therefore are a matter of urgency. Reductions in military *materiel* by the United States and the Soviet Union and their allies in NATO and in the Warsaw Treaty Organisation are particularly important. Meaningful reductions by these States could enhance security in Europe and elsewhere and

might also encourage reductions by other States in other regions of the world. Negotiations should include consideration of numerical reductions in specified categories of major weapons such as armour, artillery, aircraft or warships, depending on the circumstances. An agreed figure of weapons to be reduced from agreed categories of weapon-types could either leave open to each side the exact mix of weapon-types to be reduced, or exact figures of each weapon-type could be predetermined, though the former method would seem to be an easier approach. Initial agreements could be substantial or modest but they should serve two purposes; first, they should be so designed as to increase confidence on both sides and to facilitate the next effort, and second, they should give impetus to efforts to curb the arms race in its other aspects.

States, particularly the States with the largest military arsenals, could begin consultations bilaterally or multilaterally and within their respective regions, together with extra-regional States when necessary, on ways of limiting and reducing their arsenals of conventional weapons. Wherever applicable in such consultations, proper attention should be given to the problem of how to deal with military materiel which is conventional in nature but is being used or has the potential for being used in connection with nuclear weapons. A process of limitation and reduction may also be initiated through parallel actions based on a policy of mutual example. In view of existing differences in the size of military arsenals, force structures and other factors, including particularly the characteristics of geographical location, it may be appropriate in the process of those consultations to examine and discuss the question of establishing agreed ratios, which could be the subject of negotiations among interested States, for determining the proportions of limitations and reductions to be made by them.

3. Reductions in Personnel

Limitations and reductions in armed forces is an important aspect of conventional disarmament. It may be achieved through agreed ceilings or reductions in overall personnel figures or by the disbanding of a number of military units. In practice, a variety of complex factors have to be taken into account if the agreed measures are to achieve their objective, such as the definition of military personnel, the possible role of forces stationed in areas not covered by the agreement and the possible role of reinforcements in cases where the agreement does not deal with limitations in weapons and equipment or with the repositioning of military *materiel*.

Reductions in armed forces derive their importance from the broad relationships such measures have with many others. As much as perceptions of conventional threat may be derived from the numbers and operational availability of weapons, it is often the numbers of personnel serving in the armed forces, both combat and support, which give rise to apprehension and suspicion between States. Reductions in armed forces could result in reduced deployments, reduced ability to take large-scale offensive action, reduced overall military effectiveness, and reduced military budgets. The extent of the effects of reductions would depend on factors such as the military training and reserve programmes, rapid mobilisation capabilities and the equipment that the units of the parties to agreements would be allowed to retain.

As in other areas of disarmament, a particular responsibility for achieving substantial reductions in personnel falls on the States with the largest military arsenals. Even so, personnel reductions could be applicable to other countries as well, particularly those with the largest armed forces and those in regions where dangerously explosive situations may exist or where there may be large concentrations of forces and armaments. Concrete results in the Vienna negotiations on the mutual reduction of forces and armaments and associated measures in Central Europe could prompt further progress in Europe and would be a truly significant development in the field of disarmament. Initiatives aimed at reductions of armed forces and armaments elsewhere would also be a great contribution to disarmament.

4. Reductions in Military Expenditure

The reduction of the military budgets of States, especially those States with the largest military expenditures, has for long been the subject of deliberations and proposals at the United Nations. In 1973, for the first time the question was inscribed as a specific item on the agenda of the General Assembly and subsequently various approaches have been suggested and developed but none of them has so far found sufficient support for effective implementation. Proposals have included a reduction by 10 per cent or reductions in absolute terms, in the military budgets of the permanent members of the Security Council and for utilisation of a part of the funds thus saved for economic assistance to developing countries. Another proposal has been to measure and compare military budgets as a basis for negotiating agreements for their reduction. A third approach suggested has been parallel actions by mutual example.

The benefits of reductions in military expenditures are twofold on one hand, they could lead to worthwhile measures of arms limitation and encourage the maintenance of international security at lower levels of military capability; on the other hand, reductions in military expenditures could have far-reaching beneficial effects on domestic, social and economic conditions and on the global economic situation. The transfer of funds and conversion of resources ensuing from reductions in military expenditures could improve the prospects for development and healthy economic growth in the countries concerned, and contribute to bridging the economic gap between developed and developing countries.

Reductions in military expenditures could be implemented through agreements, directly negotiated between the parties concerned, to cut expenditures by certain amounts or in certain proportions. The approach according to which reductions could take the form of parallel actions by mutual example has been put forward with the intention, *inter alia*, to obviate various technical difficulties involved in measuring and comparing military expenditures and their reduction.

The problems involved in negotiating agreements on reductions in military expenditures have been studied by the United Nations in a series of expert studies. These have highlighted the difficulties of interpretation, measurement and comparison of data on military expenditures and have led to the development of a standardised reporting instrument based on a breakdown into different types of expenditures which could become comparable. The studies have also pointed out that these difficulties stem from both the lack, in some cases, of sufficient information and the difficulty in verifying such information and have stressed that serious efforts should be made to reduce these problems.

5. Reductions and Restrictions on Military Deployments

In the context of conventional arms limitation and reductions, military deployments should be understood in their widest sense, including manoeuvres, installations, bases and the different types of geographical disposition of forces. Restrictions and reductions on military deployments are only a partial and preliminary measure, but they can contribute significantly to confidence-building and to conventional disarmament efforts. Especially in cases where the military situation is tense, these measures may prove to be valuable steps towards diminishing the instabilities inherent therein, in reducing the risk of war and in

contributing towards curbing the arms race. Such measures could also promote a situation conducive to reinforcing respect for the principles of the Charter of the United Nations. Moreover, restrictions on the deployment of existing weapons could make it easier to forestall the deployment of additional types, currently deployed in other areas or under development.

Alongside other attempts to curb the arms race, efforts could be directed at reaching agreements on restrictions on such military deployments as are perceived to be particularly threatening by those concerned. Restrictions could be imposed either on all forces so perceived or on a proportion of them sufficient to ease tension and to enhance stability in the present military situation significantly. Restrictions could also take the form of an agreement on limits on the types and numbers of armed force components to be deployed in specified areas. Particular attention should be given to those forces, be they ground, air or naval, and/or weapons systems that might be perceived as being particularly threatening as possible means in the early stages of an attack. Which particular forces belong in this category would have to be negotiated among the countries concerned. Restrictions could also take the form of demilitarised or partly demilitarised zones established in areas where States have territorial or other disputes that might lead to armed confrontation and conflict.

Particular attention should be given to armed forces deployed in foreign territories. Consideration of possible arrangements for restricting and reducing military deployments should take due account, as factors contributing to instability, tensions and the arms race, of the negative effects arising from the existence of military deployments which support foreign occupation, colonial domination, denial of the right of peoples to self-determination, violation of territorial integrity and the perpetuation of racism. Furthermore, depending on the conditions in each region, States may in certain cases commit themselves not to enter into arrangements involving the establishment of foreign bases and the deployment of foreign forces on their territories and not to join existing or future alliances. However, it has to be recognised that in the view of some States such a commitment would significantly limit their options in regard to the right of individual and collective self-defence and that it may not be acceptable to those States, except in the context of wider agreements or guarantees.

The applicability of the above approaches in particular situations or regions, the specific modalities to be adopted and the measures to

be undertaken would, of course, depend on the character of the problems peculiar to that situation or region, including concrete political, military and geographical aspects:

In Europe, where there is a vast accumulation of military force and where the two major alliances directly confront each other, agreements on reductions and restrictions on military deployments, by diminishing the possibilities of a surprise attack, could contribute to confidence and enhanced military stability, thus diminishing the risk of the outbreak of a conflict.

Also in other situations or regions where the level of armaments is very high, reductions and restrictions on military deployments could greatly contribute to confidence and to diminishing the risk of the outbreak of hostilities.

In some other situations or areas, where the level of armaments is less but where tensions may be high and a potential for conflict may exist, the existence of tension and conflict would also constitute a serious threat to international peace and security, in these cases as well, measures of reduction and restrictions on military deployments by States in the region and, where they are involved, by extraregional States could contribute to strengthening confidence and international peace and security.

6. Restraints on Militarily-relevant Research, Development and Testing

There has been for many years a growing emphasis on the qualitative aspects of the arms race. In this connection, much attention has been given to the fact that a substantial proportion of all research and development resources in the world has been allocated to military purposes. Thus it might be considered that restraints on the military use of research and development could constitute an essential aspect of the effort to curb the arms race.

In this context, the General Assembly, in its resolution 37/99 J of 13 December 1982, *inter alia*, being aware of the fundamental importance of research and development for peaceful purposes and of the inalienable right of all States to develop, also in co-operation with other States, their research and development for such purposes, requested the Secretary-General, with the assistance of qualified governmental experts to carry out a comprehensive study on the scope, role and direction of the military use of research and development, the mechanisms involved, its role in the overall arms race, in particular the nuclear arms race,

and its impact on arms limitation and disarmament, particularly in relation to major weapons systems, such as nuclear weapons and other weapons of mass destruction, with a view to preventing a qualitative arms race and to ensuring that scientific and technological achievements may ultimately be used solely for peaceful purposes, it is hoped that meaningful and concrete measures of restraint in this area would be greatly facilitated by that study.

7. Supplier and/or Recipient Agreements on Reductions of International Arms Transfers

In considering possible measures that might limit or reduce any kind of international conventional arms transfers, it is necessary to bear in mind the reasons why the attempts made in the past have been unsuccessful and to recognise the sensitivities that exist, for it is these failures and sensitivities that underlie the difficulties in reaching agreements on this matter.

Experience has shown that for any proposed measure concerning arms transfers to receive serious consideration, several concerns must be met. First, all countries must be satisfied that the proposals are not discriminatory: this entails even-handedness for arms suppliers and arms recipients' alike; it also may necessitate discussion of all aspects of arms transfers and production, including as appropriate arrangements such as co-production, standardisation, technological co-operation, offset cost arrangements and other relevant financial agreements within or outside military alliances. Secondly, as stated in paragraph 85 of the Final Document of the Tenth Special Session, consultations should be based in particular on the principle of undiminished security of the parties with a view to promoting or enhancing stability at a lower military level, taking into account the need of all States to protect their security as well as the inalienable right to self-determination and independence of peoples under colonial or foreign domination and the obligations of States to respect that right, in accordance with the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States. Thirdly, there are also concerns, on the one hand, about the sufficiency of data on the production and transfer of arms and, on the other, about the security aspects of providing such information.

As the Soviet Union and the United States account for the larger part of arms transfers, they could consider the question of reopening their talks on the limitation of conventional arms transfers.

Possible agreements to restrain the transfer of arms, in the first place between major suppliers and recipients, would have to give particular attention to those weapon systems the characteristics and quantities of which are perceived as threatening to the security of other countries. Various proposals aimed at establishing an effective basis for such arrangements that have already been put forward in previous years could be taken into account. It would be necessary to ensure that supplier countries which may not join in such arrangements would not simply expand their transfers to fill any "vacuum" arising from agreed restraints in arms transfers. That objective would be best served by participation of both suppliers and recipients in agreements on arms transfer restraints.

Separately, recipient countries could negotiate local agreements on arms-import restrictions. Appropriately fashioned, such agreements could enhance, *inter alia*, by reducing the involvement by extraregional States, the security situation in the respective regions. Such actions are applicable in varying degrees to almost all areas of the world but would be particularly appropriate in areas of tension or regions in which there is already a high concentration of weapons. In addition, agreements between recipients could be strengthened by corresponding agreements with or between suppliers.

8. Confidence-building Measures

Although confidence-building measures, whether military or non-military, cannot serve as a substitute for concrete disarmament measures, they can play an important role in progress towards disarmament in that they can encourage a climate of trust and international co-operation, whether they are taken unilaterally, bilaterally or multilaterally. By assisting in the development of an improved climate of international relations, they can help to create conditions conducive to the adoption of measures of limitation of conventional arms and armed forces and disarmament.

Confidence-building measures were the subject of a comprehensive study submitted by the Secretary-General in 1981. The study showed that there is a wide range of measures which could be implemented with a view to strengthening international peace and security and building confidence among States. It stressed in particular that security conditions differ between regions and the importance of taking this into account in considering confidence-building measures.

These measures can be grouped into several broad categories: political, military, economic, social, cultural, legal and other types of measures designed to enhance respect for the principles laid down in the Charter of the United Nations, to enhance co-operation, to strengthen international peace and security and to build confidence among States. Being defined in terms of aims that are closely related or mutually reinforcing, the boundaries between these different categories are not always sharp. There is also overlap between confidence-building measures and arms limitation measures and other measures in the field of disarmament and between confidence-building measures and concrete measures in the field of strengthening detente and co-operation among States. An important category of confidence-building measures consists of measures relating to the military aspects of security. These include exchange of information and communication, notification and mutual observation of military activities, measures to facilitate verification and other similar measures. A related group consists of measures which constrain military activities in certain respects in order to alleviate fear and remove sources of tension and in particular to diminish the possibility of surprise attack. This category does not differ in principle from disarmament measures involving constraints on deployment.

Certain confidence-building measures relating to the military aspects of security have been implemented in Europe since 1975, in accordance with the provisions of the Final Act of the Conference on Security and Co-operation in Europe (CSCE). These include prior notification of military manoeuvres, exchange of observers, etc. At the same time the participants declared that they would duly take into account and respect their common objective of confidence-building when conducting their military activities.

The Conference on Confidence- and Security-building Measures and Disarmament in Europe, which commenced at Stockholm on 17 January 1984 according to the decision taken at the CSCE follow-up meeting at Madrid aims at undertaking, in stages, new, effective and concrete actions designed to make progress in strengthening confidence and security and in achieving disarmament, so as to give effect and expression to the duty of States to refrain from the threat or use of force in their mutual relations. Thus the Conference will begin a process the first stage of which will be devoted to the negotiation and adoption of a set of mutually complementary confidence and security-building measures designed to reduce the risk of military confrontation in Europe.

In other regions as well, there is scope for adopting measures to build confidence among States and enhance regional security. In some cases, the measures adopted or envisaged in Europe, suitably modified to reflect the different security conditions, might constitute an example. In other cases the adoption of measures relating to political, economic or other aspects of security might be a more urgent task. It follows from the nature of the confidence-building process itself that measures designed for one region will not necessarily serve a useful purpose in others and that they may differ, depending on the situations existing in respective regions.

9. Public Information

Public opinion has a very important role to play in the quest for disarmament. Indeed, without an enlightened and determined commitment by the public in all countries the prospects for disarmament would be bleak. In this context, the principal role of the United Nations is to provide accurate information on the armaments race and disarmament and to promote a sound understanding of the issues involved and of the different points of view as a basis for effective political action for disarmament.

The Final Document of the Tenth Special Session set out, in paragraphs 99 to 105, specific measures designed to increase the dissemination of information about the armaments race and the efforts to halt and reverse it. These measures are being developed and extended within the compass of the World Disarmament Campaign, launched by the General Assembly at the outset of the second special session devoted to disarmament, in 1982. The objectives and activities of the World Disarmament Campaign are described in the report of the Secretary-General (A/37/548).

In addition, the United Nations could disseminate more vigorously the ideas and approaches that have been developed in the field of disarmament, particularly those of the Final Document of the Tenth Special Session, taking into consideration the expert studies carried out by the Secretary-General on a wide range of subjects relating to disarmament. It should continue to use to the full the resources available, to the Department for Disarmament Affairs of the United Nations Secretariat and to the United Nations Institute for Disarmament Research. Paragraph 105 of the Final Document encourages member states to ensure a better flow of information with regard to the various aspects of disarmament to avoid dissemination of false and tendentious

information concerning armaments; the United Nations should seek more actively to collect and to publicise information provided by Governments on the danger of the escalation of the arms race, including the acquisition, dissemination and deployment of arms and their new qualitative characteristics, and on the effects of the arms on the security of States, international peace and security and social and economic conditions in the world. The need for general and complete disarmament under effective international control should be emphasised. Finally, the United Nations could encourage the important work in these matters of non-governmental organisations and research institutes.

Effective measures of nuclear disarmament and the prevention of nuclear war have the highest priority. Together with negotiations on nuclear disarmament measures, negotiations should be carried out on conventional arms limitations and disarmament, as the conventional arms race contributes significantly to tension and insecurity throughout the world, increases the risk of war, including the risk of nuclear war, and absorbs the greater part of global arms expenditures. Therefore, the need for effective measures of conventional arms limitation and disarmament, and the need for redirecting the resources released by such measures, should be clearly articulated in the process of disseminating information to the public. In this connection, the special responsibility of States with the largest military arsenals has already been emphasised, as has the need for negotiations to be conducted with particular emphasis on armed forces and conventional weapons of nuclear weapon States and other militarily significant countries. There is also a necessity to bring to the public's attention, for instance by means of the World Disarmament Campaign, the approaches and measures to achieve conventional disarmament. It is hoped that the comments made in this study will be helpful in this regard.

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WORKING PAPERS ON CONVENTIONAL DISARMAMENT SUBMITTED TO THE DISARMAMENT COMMISSION

A. Working Paper Submitted by India

In the present situation of grave dangers posed to the very survival of mankind by the continuously escalating arms race, particularly the nuclear arms race and the lack of any meaningful progress in deliberations and negotiations in the field of disarmament, only a global approach to the problem can ensure right direction and correct priorities with respect to disarmament questions, including that of limitation and reduction of conventional weapons.

Such a global approach to the limitation and reduction of conventional weapons must be pursued within the framework of progress towards general and complete disarmament. The achievement of nuclear disarmament has been accorded the highest priority, and the achievement of nuclear disarmament measures can, under no circumstances, be predicated upon progress in conventional disarmament. Attempts at promoting such concepts as a "balance" or "linkage" between nuclear and conventional weapons would be misleading. The highest priority in disarmament negotiations has always been the elimination of nuclear weapons and all other weapons of mass destruction, including chemical weapons. Any approach to the question of limitation and reduction of conventional weapons, therefore, must not lose sight of this correct and comprehensive perspective.

A United Nations study on "all aspects of the conventional arms race and on disarmament relating to conventional weapons and armed forces" can be undertaken only after the general approach to the study and its structure and scope have been fully discussed and agreed upon.

Any proposal for such a study would clearly need to take into account the primary responsibility for disarmament that rests with States having the largest military arsenals. The vast proportion of conventional weapons, in both qualitative and quantitative terms, are produced, developed, retained and deployed by the nuclear weapon States and their allies. Progress in measures relating to the limitation and reduction of conventional weapons between such States and their alliance arrangements would constitute the indispensable first step towards strengthening peace and security in the world.

In a United Nations study on conventional disarmament, while discussing the question of international trade in conventional weapons (or, conventional arms transfers, as it is now euphemistically called) all kinds of military alliance arrangements pertaining to conventional weapons would need to be carefully gone into: e.g., gifts, off-sets, deployments, prepositioning, co-production, standardisation and technological co-operation. It would be one-sided to consider merely those transfers of conventional arms that affect the non-aligned and developing States which have only recently emerged from alien and colonial domination and continue to struggle to safeguard their hard-won independence. Furthermore, such a study should not limit itself to the superficial aspects of arms transfers but must address the underlying causes that lead to acquisition of arms by states. Consideration of the question of the limitation and reduction of conventional weapons should, therefore, be based on the principle of ensuring the security of all states.

None of the alliance arrangements pertaining to conventional can be considered as either sacred or beyond the place of an objective, comprehensive study on conventional disarmament. No Article of the charter of the United Nations can be invoked to prevent a probe into various military alliance arrangements, including military doctrines regarding conventional weapons; nor can shelter be taken behind the argument of lack of effective verifiability.

Any partial, discriminatory study of conventional disarmament, besides being seriously flawed, would lack credibility and serve no useful purpose.

B. Working Paper Submitted by China

All the wars and armed conflicts that have broken out in various parts of the world during the more than three decades since the Second World War have been fought with conventional weapons. The super-

powers have always regarded nuclear and conventional armaments as two inseparable components of their overall military strength. Nuclear weapons serve primarily as a deterrent and a means of blackmail while conventional arms have invariably been used in actual aggression. This is particularly true of the hegemonist super-power that has been using tanks, aircraft, artillery and warship rather than nuclear weapons in its military aggression. That is why china is in favour of giving equal importance to conventional and nuclear disarmament. It would be beneficial to world peace and the security of the small and medium-sized countries if corresponding progress could be made in conventional disarmament while striving nuclear disarmament.

To give due consideration to conventional disarmaments does not detract from the importance of nuclear disarmament; much less does it imply any failure to recognise the destruction entailed in a nuclear war or disagreements with the priority given to nuclear disarmaments. Serious efforts should be made to promote substantial progress in genuine nuclear disarmament.

The Super-Powers should therefore drastically reduce their nuclear armaments. We are opposed to the possession of nuclear weapon by the racist regime of south africa and the Israeli expansionists. we believe that pressing for corresponding progress in conventional disarmament would constitute a serious test for the super- powers, which are neither willing to reduce their nuclear weapons nor ready to cut back their conventional arms. The cause of overall disarmament only stands to gain therefrom.

The following proposals are submitted regarding the principles and steps of conventional disarmament studies:

1. In order to enhance the security of all countries, a basic principle should be laid down regarding conventional disarmament, namely that the two super-Powers possessing the largest arsenals have a major responsibility with regard to conventional disarmament. To begin with, they should undertake to desist from military intervention, whether direct or indirect, and the threat of force against other countries. They should withdraw all their occupation forces from abroad, dismantle all their foreign bases and terminate all forms of overseas military presence. Meanwhile, the reduction of armaments might begin with heavy or sophisticated equipment such as tanks, aircraft, artillery and warships. When these cutbacks have gone far

enough, the other militarily significant countries should join them in further reducing their respective conventional arms according to a reasonable ratio and an agreed schedule.

2. Conventional disarmament should be closely linked with the safeguarding of international peace and security and with the combat against hegemonism. Conventional disarmament should serve to strengthen rather than weaken the sovereignty, independence and security of small and medium-sized countries. Pending the elimination of the threat posed by the super-Powers and the effective curtailment of expansion by the aggressive forces supported by the Super-Powers, the problem for most of the small and medium-sized countries without adequate defence power is not to reduce, but to maintain and strengthen their necessary defence capabilities.
3. While formulating disarmament measures of a general nature, attention should also be given to partial measures, particularly regional measures. Zones of peace and neutrality should be established wherever feasible in accordance with local conditions and the desire of the countries concerned. The main criterion for a zone of peace is to prevent the establishment of any form of dominance and hegemony by any country in such a zone or in nearby areas that are of direct military strategic importance to such a zone, to withdraw all occupation forces, to dismantle all foreign military bases, to terminate all forms of foreign military presence and to eliminate all foreign aggression, expansion, interference and control.
4. Feasible international supervision should be prescribed for all conventional disarmament agreements.
5. Studies on the various aspects of the question of conventional disarmament are necessary for they will play a useful role in promoting such disarmament. The idea of a group of experts to be appointed by the Secretary-General of the United Nations is also feasible. These studies should focus on the crux of the matter—the conventional arms race. Emphasis should be placed on investigating and verifying how the Super-Powers are engaged in the conventional arms race and how they resort to such arms for expansion and aggression, and on exploring, on the basis of the findings, possible ways of putting an end to their conventional arms race.

C. Working Paper Submitted by Denmark

1. In its resolution 35/156 A the General Assembly approved in principle the carrying out of a study on all aspects of the conventional arms race and on disarmament relating to conventional weapons and armed forces, to be undertaken by the Secretary-General with the assistance of a group of qualified experts appointed by him on a balanced geographical basis. At its thirty-sixth session, in resolution 36/97 A, the General Assembly requested the Secretary-General to establish the Group of Experts. It further requested the Disarmament Commission at its substantive session in 1982 to complete its consideration of the general approach to the study, its structure and scope and to transmit the conclusions of its deliberations to the Group of Experts. The General Assembly also agreed that the Group of Experts should pursue its work after the above-mentioned session of the Disarmament Commission, taking into consideration such conclusions as the Commission may submit to it and, if necessary the deliberations at the substantive session of the Commission in 1981, in particular those reflected in paragraph 21 and annex III of the report on that session.

2. The discussions of this subject at previous sessions of the Disarmament Commission and in the First Committee of the General Assembly have been useful. It is important that discussions be continued on the problems of conventional disarmament in general and on approaches and priorities in this respect. Indeed, the main purpose of an in-depth expert study of the entire question of conventional disarmament is to assist the commission and other relevant bodies in their task. With this in mind the study should provide a comprehensive factual assessment of the conventional arms buildup and of the problems it gives rise to and should help clarify the issues in conventional disarmament, elaborate adequate concepts and seek balanced and mutually acceptable approaches which can facilitate the achievement of practical results.

3. The Danish delegation has previously submitted its views on the general approach, structure and scope of the study. It was in particular suggested that the study should comprise the following:

- In view of the long-standing tradition for consensus-reporting in United Nations studies, this principle should also guide the expert group.
- It should be guided by the principles and perspectives set forth in the Final Document of the first special session devoted to disarmament.

- It should seek to ascertain the facts of the conventional arms buildup, the risks and costs involved and the prospects for disarmament, including the size of present conventional arsenals, the capabilities and effects of present weapon systems and foreseeable developments.
- It should examine the difference in importance and implications of the conventional weapons and forces existing in various parts of the world.
- It should take fully into account existing relationships between conventional arms buildup and the development of the nuclear arms race.
- It should draw, as appropriate, upon the results of the study of all aspects of regional disarmament and on other relevant studies by the Secretary-General.
- It should consider the general principles and guidelines which are applicable to conventional disarmament.
- It should seek out areas in which measures to curb the conventional arms race and to achieve conventional disarmament are most urgent and seem most feasible.
- It should take into account throughout the principle that the adoption of disarmament measures should take place in such an equitable and balanced manner as to ensure the right of each State to security and that no individual State or group of States may obtain advantages over others at any stage, of the right of each State to protect its security, of the special responsibility of States with the largest military arsenals in pursuing conventional armaments reductions, and, generally, of the need to achieve an acceptable balance of the responsibilities and obligations of all States in the disarmament process.

In the opinion of the Danish delegation, however, the report of the substantive session of the Disarmament Commission, particularly paragraph 21 and annex III, provides an acceptable and sufficiently detailed basis for the work of the Group of Experts in so far as the general approach, structure and scope of the study are concerned. It would be a mistake to confine too narrowly the mandate of the Group when its purpose is to reassess in depth the whole area of conventional disarmament and when the tradition of consensus-reporting and the geographical balance in the composition of the Group already ensure that the resulting report will not be partial or one-sided. Instead, the

Disarmament Commission should avail itself of the present opportunity to offer guidance to the Group regarding the problems most in need of careful analysis and the approaches most conducive to concrete achievements. The following remarks are intended in this sense.

The discussions so far indicate that the issues relating to priorities and to the directions to be given to the study are among the most difficult and sensitive. This emphasises the need for the study to open with a balanced factual assessment of all the aspects of the conventional arms race, including the of conventional arsenals, their proliferation, vertical and horizontal, the capabilities and effects of present weapon systems and foreseeable developments. Such an assessment covering the risks, threats and costs inherent in the current arms buildup, but attentive to the reasons why States acquire arms, is crucial for the overall balance and thus for the credibility and usefulness of the study. It seems to be the only way of approaching on a realistic basis and in the right perspective a number of issues, such as the relationship between nuclear disarmament and conventional disarmament, the special responsibility of the most heavily armed countries, the relative importance to be given to global and regional approaches and the importance to be ascribed to the question of arms transfers in general and to each of its many different forms in particular. Without the basis provided by a global and comprehensive assessment of conventional arms race neither the urgency nor the feasibility of specific disarmament steps can be adequately dealt with, and specific issues will be parcelled out for separate consideration, thus losing the comprehensive perspective which was a central theme emerging from the final Document of the 1978 special session of the General Assembly devoted to disarmament.

Considerations of national security policy lie at the heart of the problem of disarmament. This is particularly true of conventional disarmament as limitations on conventional arms and armed forces in most cases have a direct impact on the immediate security situations and security perceptions of the countries concerned. In fact, preservation or enhancement of the security of each of the states concerned is both the main requirement for making disarmament agreements possible, and their main purposes. The key problem is to find ways in which states can protect their security without engaging in an arms race which only leads to greater insecurity for all. This problem ought to be focus throughout the conceptual part of the study.

The report of the Secretary-General on the interrelationship between disarmament and international security, prepared by a group of experts,

identified two approaches to achieve security without reliance on a continuous buildup of armaments. One is through agreements among States for mutual regulation, limitation and reduction of their armaments and armed forces. The other is to provide security through collective arrangements such as the system based on the organs and bodies of the United Nations, primarily the Security Council with its responsibility for maintaining international peace and security and its mandate for taking enforcement action if need be. As regards the former the study stresses the need for a suitable balance of mutual responsibilities and obligations and for agreements, as appropriate, on verification.

It further emphasises the fact that in the disarmament process particular attention should be paid to reduction of those weapon systems which are particularly destabilising or which contribute most to overall insecurity. This is one suggestion which seems worth examining in greater detail, both in general terms and in terms of the particular sources of instability in each region. By enhancing security and promoting military stability, shift towards force structures which are more unambiguously defensive in character might be a feasible way of halting the arms race globally or in particular regions. More generally, recent studies on disarmament conducted under the auspices of the United Nations, and particularly those on regional disarmament, confidence building measures, disarmament and international security and on disarmament and development contain concepts and recommendations which it would be fruitful to examine specifically in their application to conventional disarmament.

This context of the right of each state to security and of promoting or enhancing stability at a lower military level also provides the proper perspective for the consideration of a number of relevant issues such as the role of verification, the contribution that effective and militarily significant confidence-building measures can make, and the different approaches to disarmament and enhanced security that have been envisaged or implemented in particular regions.

Finally, when it comes to practical conclusions, study should seek to identify areas in which measures to curb the conventional arms race and to achieve conventional disarmament are most urgent and seem most feasible. The preceding analysis of the character of the arms race on the one hand, and of possible concepts and approaches on the other, should provide a framework for this part of the study which is both balanced and realistic.

D. Working Paper submitted by the German Democratic Republic

I. Introduction

1. According to the relevant resolutions, the General Assembly agreed in principle that the Disarmament Commission should work out the general approach to the study, its structure and scope, and requested the Disarmament Commission to convey to the Secretary-General the conclusions of its deliberations, which should constitute the guidelines for the study.

II. General Guidelines for the Study

2. The study should be made in the context of the current situation in the field of disarmament, and of the importance of disarmament for international peace and security and for detente. A genuine and effective process of disarmament is imperative. In this respect the study should aim:

- (a) To promote disarmament relating to conventional armaments and contribute to concrete actions in this field;
- (b) To inform about the growing danger of the arms race in the field of conventional armaments and about effective ways and means which lead to conventional disarmament.

3. The study should be carried out on the basis of the following principles:

- (a) The relevant provisions of the Programme of Action in connection with the principles and priorities set out in the Final Document of the first special session of the General Assembly devoted to disarmament are of primary importance and should be strictly observed;
- (b) Effective measures of nuclear disarmament and the prevention of nuclear war have the highest priority. To this end, it is imperative to remove the threat of nuclear weapons and to halt and reverse the nuclear arms race until the complete elimination of nuclear weapons and their delivery systems has been achieved. However, parallel to nuclear disarmament, it is necessary for world peace and security to arrive at effective measures of conventional disarmament;
- (c) The contribution of all countries to conventional disarmament is necessary, first of all by the freezing and reduction of armed forces and conventional armaments of the States permanent members of the Security Council and the countries which have military agreements with them;

- (d) Based on the principle of undiminished security of all States and their right to self-defence, in accordance with the Charter of the United Nations, disarmament measures should be adopted so that no individual State or group of States would obtain advantage over others at any stage. In this context, negotiations on the reduction of armed forces and of conventional armaments should aim at promoting or enhancing stability at lower military levels;
- (e) Agreements on reduction of armed forces and conventional armaments should include provisions for verification in such agreements, bearing in mind paragraph 31 of the Final Document;
- (f) The study should take into account the importance of reaching concrete results in the limitation and eventual cessation of the arms race in the field of conventional armaments on a global as well as a regional and bilateral basis and, to that end, of initiating concrete negotiations at the earliest possible date;
- (g) The work on this study should not delay ongoing or new negotiations on disarmament problems and should not in any way interfere with these negotiations;
- (h) The study should be undertaken by the Secretary-General with the assistance of a group of qualified experts appointed by him on a balanced geographical basis;
- (i) The expert group should be guided by the principle of consensus.

III. Scope and Structure of the Study

4. The scope and structure of the study should include the following elements:

- (a) A description of the relevant political, social and economic effects and consequences of the conventional arms race on the international situation and the need for and effects of disarmament measures in this field. Particular attention should be given to;
- (b) The analysis of proposals and suggestions made by States in the field of conventional disarmament and on recommendations for their implementation;
- (c) The question of international conventional arms transfer;
- (d) The analysis and elaboration of measures which can facilitate disarmament, e.g. non-use of force, confidence-building measures, non-expansion of military alliances.

THE THIRD REVIEW CONFERENCE OF THE SEA-BED TREATY—A PANORAMA

Since the second half of the 1960s, periodic conferences of the parties to multilateral treaties in the field of disarmament have become a standard feature of such agreements. Only three such instruments—the 1925 Geneva Protocol on the Prohibition of the Use in War of Asphyxiating, Poisonous and Other Gases and of Bacteriological Methods of Warfare, the 1963 Partial Test Ban Treaty (PTBT) and the 1967 Outer Space Treaty—lack specific provisions on the review and assessment of their operation and on the adequacy with their objectives. The Antarctic Treaty, which was concluded in 1959 and, thus, predates both the PTBT and the Outer Space Treaty, already contained a detailed clause on regular consultations and the exchange of information among its parties in order to further the principles and objectives of the instrument. As for other multilateral treaties in the field of disarmament, be they of a regional or a more universal scope, most, if not all, do provide, in one way or another, the mechanisms for the periodic assessment of their operation.

The international community has found it necessary and worthwhile to conduct such periodic exercises. Specifically, they are very useful in determining whether the objectives of a particular instrument are being realised, as well as in improving procedures or clarifying interpretations and points of view. Review conferences may also give preliminary consideration to issues that may generate future amendments to the texts. Furthermore, periodic reviews provide an opportunity to discuss and call attention to matters which, although not immediately or organically related to the performance of the instrument, do have particular relevance to it and thus deserve to be raised and examined. Obviously, some international instruments in the field of disarmament are more controversial than others, by virtue of their intrinsic

characteristics, and therefore tend to give rise to more heated debate on the occasion of their review. In most cases, however, debate has proved beneficial to the strengthening of the instrument or instruments concerned and to the reaffirmation of the parties' commitment to the objectives with which they originally joined the instrument.

In the case of the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof, controversy is not a trade mark. Indeed, it is perhaps one of the least controversial among the legal texts with which the international community has sought to prevent the extension of the arms race to a particular environment. It is, in fact, considered a particularly successful measure for preventing the proliferation of nuclear weapons, since its three nuclear weapon parties (among them the two most heavily armed nations in the world) are thereby, committed not to extend the geographical proliferation of nuclear weapons to the environment covered by the treaty. Furthermore, in the Sea-Bed Treaty, all parties, nuclear and non-nuclear alike, are subject to the same obligations and entitled to the same rights, without any discrimination, and the verification procedures also apply equally to all parties. It may be argued that so far there has been little strategic and technological incentive for those who currently possess nuclear armament to seek their permanent emplacement on the sea-bed or in the subsoil thereof. Nevertheless, it is undeniable that the Sea-Bed Treaty has an important role to play as part of an international regime aimed at banning nuclear weapons from environments in which they have not yet been introduced.

Other treaties relevant to this regime are, for instance, the Antarctic Treaty, the Outer Space Treaty and the Additional Protocols of the Treaty of Tlatelolco, all of which seek to curb specific aspects of proliferation, including its most dangerous forms. Adequate verification provisions for monitoring and ensuring compliance by the nuclear weapon Powers with their commitments under those and other instruments are obviously relevant to their operation and should be part of the set of questions to be addressed by parties on appropriate occasions.

The Third Review Conference of the Parties to the Sea-Bed Treaty was held at Geneva from 19 to 28 September 1989. The task of the Conference was completed one day ahead of schedule and the Conference adopted a Final Declaration which spells out the consensus achieved on the matters before it. A very high degree of understanding

and a relative absence of deep differences of opinion prevailed throughout the Third Review Conference. There are several reasons why this was so.

To begin with, the Third Review Conference took place in the atmosphere of relaxation of mutual tensions which lately has come to characterise the relationship between the two most powerful nations and their respective systems of alliances. This undoubtedly facilitated the achievement of consensus by the Conference. We have, of course, every reason to hope that this encouraging trend in the mutual relationship will develop further in the future, so that the awesome arsenals of mass destruction accumulated during over forty years of confrontation and hostility may begin to be dismantled and replaced by instruments of cooperation among nations. The prevailing climate also permitted the Conference to devote most of its time and energy to the concerns, ideas and proposals put forth by the parties, rather than wasting its resources in sterile antagonism as unfortunately happened so often in disarmament forums. Although not all the suggestions presented are expressed in the Final Declaration, we can be sure that many of them will be examined by Governments and may re-emerge on future occasions, particularly those dealing with technological developments relevant to the treaty.

In the general circumstances and background described above, it is not surprising that the Final Declaration of the Third Review Conference closely follows the structure of the corresponding documents adopted at the two previous review conferences. There are some differences between the Final Declaration and its predecessors which reflect the current consensus of the parties on two sets of questions before the Conference. Those encompass: (a) the relationship between the treaty and the development of the law of the sea and (b) the treaty's significance as an instrument for preventing one aspect of the arms race and its ability to promote further multilateral efforts in the field of disarmament.

As regards the first set of questions, it may be said that the debate at the Conference reflected that fact that the legal framework generally referred to as "the law of the sea" is at a comparatively early stage of its development, despite the considerable progress achieved in the last decade or so. It became evident at the Third Review Conference that the existing differences of a substantive nature, whether deriving from political and strategic perceptions or from considerations of a juridical character, cannot be resolved in the context of the Sea-Bed Treaty itself.

Specific references to existing instruments on the law of the sea appear in the tenth preambular paragraph of the Final Declaration and on the section dealing with Article IV. The first of these formulations slightly modifies the text adopted at the Second Review Conference to state that “nothing contained in the Convention on the Law of the Sea of 10 December 1982 affects the rights and obligations assumed by States Parties under the Treaty”. The section on Article IV merely repeats the corresponding section of the Final Declaration of the Second Review Conference. This probably means that solution of the questions raised during the Third Review Conference will depend on the achievement of further progress in the solution of remaining differences regarding the law of the sea, including the enlargement of participation in the body of positive international law governing relations among nations in that field.

The second set of questions addressed by the delegations at the Third Review Conference is more directly related to the subject-matter of the instrument. These were questions dealing mainly with (a) the scope of the treaty; (b) compliance with obligations assumed under the treaty; (c) verification procedures contemplated in the treaty; (d) further negotiations on disarmament issues, either of a specific or a general character; (e) technological developments relevant to the implementation of the treaty; (f) the mechanism for future reviews of the operation of the instrument; and (g) enlargement of adherence to the treaty.

Considerable interest was shown on questions of scope. Ideas had been aired, within and outside the Conference, on an extension of the field of application of the instrument, both in the geographical and in the functional sense, which are of course not mutually exclusive. The exploratory character of the remarks made by delegations on both aspects of the issue shows that further reflection is needed before concrete proposals can be put forward. Some of the States parties argued for an extension of the geographical application of the existing provisions of the treaty, or the “shore-to-shore” approach, but stopped well short of presenting specific formulations on how the matter could be dealt with. Others stated that the present provisions on the area of application of the regime of the treaty well suited their purposes. The idea of the extension of the “functional” prohibition, so as to cover other kinds of weapons than those of mass destruction, was also given consideration. It would seem that the parties do not contemplate making concrete proposals for any change in the scope of the treaty in the immediate future.

Questions regarding compliance were also touched upon during the discussions. While the Final Declaration unequivocally states that parties are generally satisfied that "obligations assumed under Article I of the treaty have been faithfully observed by States parties", several delegations noted the possibility of enhancing the verification procedures by utilising new technological developments in this field. This entails, of course, problems related to the ability to provide technical expertise, since only a very small number of parties possess technology capable of ensuring adequate monitoring of compliance. Of this very reduced group of parties, the majority are nuclear weapon Powers.

Still as part of the set of questions dealing with compliance, an unexpected and interesting result of the conference was the declaration by the delegations of the three nuclear Powers party to the treaty to the effect that they "have not emplaced any nuclear weapons or other weapons of mass destruction on the sea-bed outside the zone of application of the treaty as defined by its Article II and have no intention to do so". Their statements, duly recorded in the Final Declaration in the form quoted above, were received with interest by the other parties and were further clarified in the concluding remarks by the representatives of the three nuclear weapon parties, who stressed that such statements could not of course be understood as commitments on future policy decisions.

The parties also commented upon other aspects of procedures contained in the treaty to promote its objectives and ensure compliance with its provisions. One delegation reiterated its interpretation of the expression "observation" in paragraph 1 of Article III, to the effect already stated on previous occasions by the party concerned, as well as at the time of its signature and ratification of the instrument.

The question of further negotiations on disarmament was an important part of the discussions, and the results of deliberations on those matters appear in two preambular paragraphs and in the formulation of the section on Article V, which differs from the corresponding section in the Final Declaration of the Second Review Conference. Several parties considered that mention should be made of the general improvement in the climate of bilateral relations between the two major military alliances and of the implications of this trend for further progress in disarmament negotiations. At the same time, several parties deemed it necessary that the Final Declaration clearly reflect the absence of negotiations on further measures in the field of disarmament for the prevention of an arms race on the sea-bed, the

ocean floor and the subsoil thereof, and renew the call on the Conference on Disarmament promptly to consider such measures, as the two previous Review Conferences had decided. By the same token, others wished it to reflect the contribution to the effectiveness of the treaty which other negotiations might have when successfully concluded.

With regard to technological developments relevant to the implementation of the treaty, the Conference received a communication from the Secretary-General containing information provided to him by some parties in response to the call of the Preparatory Committee. Some years ago, the Second Review Conference had also invited the Secretary-General to collect and to publish information from “officially available sources”, as had the First Review Conference. The Final Declaration of the Third Review Conference contains a significant departure from the practice, which appears in the section dealing with Article VII of the Treaty. The Secretary-General now has the possibility of availing himself of the “assistance of appropriate expertise” in preparing a report at three-year intervals until the convening of the Fourth Review Conference. Furthermore, States parties are urged to provide information and to draw the Secretary-General’s attention to “suitable sources”.

If a conclusion can be drawn from the debate on technological developments, it is clearly that some parties are disappointed with the scarcity and the general nature of the information provided up to the time of the convening of the Third Review Conference, while others consider that this situation simply reflects the lack of significant or relevant information on which to report. Since most parties do not possess sufficient technological capability to make independent assessments of the state of the art, the idea of utilising expertise other than “officially available sources” seemed attractive to many. Concern has however been expressed by developing countries in other disarmament forums that excessive emphasis on technical matters when dealing with questions that bear on national security might somehow offset the political, economic or other aspects of such questions. Similarly, nations which cannot provide their own expert assessment of technological issues might feel placed at a disadvantage.

Be that as it may, the consensus achieved at the Third Review Conference and reflected in the section on Article VII referred to above constitutes an original approach to the issue of expert advice on disarmament questions. It will be reviewed at the Fourth Conference.

Another point on which differences of view were finally reconciled in an innovative way was that of the next Review Conferences. Some delegations, for reasons which probably derived from practical or budgetary considerations, believed that intervals between such Conferences should be longer than was the current practice. At best, in their view, there should be no automatic recurrence of Review Conferences; on the contrary, these should be convened only when exceptional circumstances warranted it. Other delegations, on the other hand, while sensitive to this argument, favoured a more regular and predictable pattern for the review mechanism which could not only take into account those considerations but also allow for the periodic discussion of issues of relevance to all parties. The consensus formulation, based on the review mechanism contained in the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, provides for a flexible system in which a relatively small number of parties and the depositary Governments share the power to convene a review conference as early as 1997, or later, within a comparatively short time span.

Finally, the Third Review Conference dealt with the question of adherence to the treaty, and noted with concern that despite the demonstrated effectiveness of the instrument, universal adherence had not yet been achieved. By the same token, the Conference welcomed the fact that 10 States had become parties since the Second Review Conference, thus bringing the total number of parties to 82. The Conference reiterated the call upon States that had not yet adhered to the treaty to do so at the earliest possible date, and stressed in particular the importance of adherence by all nuclear weapon powers.

By and large, the Third Review Conference confirmed the general view that the Sea-Bed Treaty deserves to be deemed a success in the history of disarmament agreements, even if its membership is still relatively small in comparison with other multilateral agreements in this field. To be sure, the measure of success of an international agreement is not so much the size of its membership as its ability to satisfy the legitimate concerns of all the prospective parties, so that the interests of all are taken into account equally. Discriminatory and unbalanced arrangements, which are geared to promoting only the narrow interests of a limited number of adherents, are doomed to fuel controversy and generate apprehension and instability. The success story of the Sea-Bed Treaty and the smooth conclusion of the Third Review Conference bear ample testimony to its equanimity and adequacy, as recognised by its parties in the Final Declaration and in their statements during the Conference.

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THE NAVAL ARMS RACE

Summary of a United Nations Study (April 1986)

This summary has been prepared by the United Nations Department for Disarmament Affairs. The full study, as written by the Group of Governmental Experts to Carry Out a Comprehensive Study on the Naval Arms Race, Naval Forces and Naval Arms Systems and transmitted to the Secretary-General, has been issued as a United Nations publication, Sales No. E.86.IX.3.

Background

On 20 December 1983, the United Nations General Assembly adopted resolution 38/188 G. By that resolution the Secretary-General was requested to carry out, with the assistance of qualified governmental experts, a comprehensive study on the naval arms race, on naval forces and naval arms systems, including maritime nuclear weapon systems, as well as on the development, deployment and mode of operation of such naval forces and systems. In the resolution it was also stated that the study should be carried out with a view to analysing the possible implications of these factors for international security, for the freedom of the high seas, for international shipping routes and for the exploitation of marine resources, thereby facilitating the identification of possible areas for disarmament and confidence-building measures.

After determining which States wished to participate in the study, the Secretary-General appointed a group of experts from 7 countries, namely, China, France, Gabon, Indonesia, the Netherlands, Peru and Sweden.

The Group of Experts held four sessions between April 1984 and July 1985 under the chairmanship of Ambassador Ali Alatas of Indonesia. In the course of its work, the Group commissioned a number of

consultants, either as individuals or on behalf of national institutions, to present papers to the Group and, where practicable, to participate in seminar discussions. Papers were received from consultants of Argentina, Iceland, Sri Lanka, the United Kingdom, the United States and Yugoslavia.

Chapter I is a broad the subject as a II, III and IV address issues of the development, deployment and mode of operation of naval forces and naval arms systems. Chapter V describes the maritime legal context, in particular the effects of the United Nations Convention on the Law of the Sea. Chapter VI analyses the implications of these factors for international security and the peaceful uses of the sea. Chapter VII attempts to identify possible measures of disarmament and confidence-building. Chapter VIII contains the Group's summary and conclusions.

The Group adopted the study by consensus on 26 July 1985. The report was submitted by the Secretary-General to the General Assembly at its fortieth session, on 17 September 1985.

Observations of the Group

Introduction

The Group states that, to date, little attention has been paid in multilateral disarmament negotiations to the continuing development of naval forces and naval arms systems and the added dimension this has given to and the implications it has had for the problems of international security. However, the modernisation and expansion of navies and the increased sophistication of naval-based arms systems in general have created new and enlarged operational capabilities, especially among nuclear weapon States and other militarily significant States, and have given rise to concern among many nations. The Group declares the objectives of the study to be:

- (a) To promote a wider international understanding of the issues involved;
- (b) To facilitate the identification of possible areas for negotiation of confidence-building and disarmament measures on the world's seas as a constituent part of the disarmament process as a whole.

The Group notes that although naval arms limitations have in recent years received almost no attention in multilateral disarmament negotiations, such was not the case before the Second World War; in fact, there has been a long history of measures to achieve control of

and even reductions in naval arms. In its report, the Group briefly describes several of the treaties and agreements, and makes particular mention of the efforts made in the 1920s and 1930s.

Sea's Resources and Their Value to Mankind

Noting that some 71 per cent of the Earth's surface is sea and over two thirds of the world's human inhabitants live within 180 miles of a sea coast, the report outlines some of the significant benefits offered by the sea to mankind. For example, fish provide nearly one quarter of the world's supply of animal protein and represent a major resource. As 95 per cent is caught within 200 miles of a shore, the advent of 200-mile exclusive economic zones, introduced by the Convention on the Law of the Sea, will present a number of States with opportunities, to exploit new resources, but also with problems of how to develop maritime capabilities to protect their interests and enforce the obligations of other States fishing in their respective zones.

Other assets of the marine environment described in the report include the mineral resources from the sea-bed, offshore oil, which, in 1983, amounted to more than 26 per cent of total world oil production, renewable energy sources such as tidal energy, wave energy and other means which offer enormous potential for the future. The Group also notes the considerable use made of the sea for trade, accounting for over 80 per cent of international trade by volume.

Development of Naval Capabilities

The Group observes that there are several motivations for developing naval capabilities, varying from local self-defence to the potential for strategic nuclear use; from an ability to carry out overseas intervention to establishment of seaboard protection and security; from protection of commerce and national interests to policing newly established areas of exclusive economic jurisdiction. Primarily, however, a naval force is a declaration by a nation that it has specific maritime interests and has the political will to protect them. In so doing, States may develop naval forces which are perceived as capable of threatening the security interests of other States, thus leading to the construction of a naval force to counter the perceived threat. The result can be a naval arms race, which is the present situation.

In the report, three levels of the world's navies are identified:

- World-wide navies: Those able to operate in most oceans of the globe on a continuous basis; at present only two States possess such navies, the United States and the Soviet Union;

- “Blue-water” navies: Those normally deployed in waters close to the State concerned but able to conduct limited operations distant from bases at home; there are perhaps some 15 navies in this category;
- Coastal navies: Those almost exclusively deployed in waters immediately adjacent to a nation’s land territory; over 125 nations have naval forces at this level, although they vary considerably in size and fire-power.

Addressing the naval forces and naval arms systems at present in service, the Group notes the major developments of the past 50 years, principally the nuclear revolution, the electronic revolution and advances in weapon systems. Of all the changes, those linked to nuclear energy are the most significant and have multiplied the capabilities of naval vessels and the weapons they carry. Quite apart from nuclear-armed missiles, over 550 nuclear power reactor systems are installed, mostly in submarines which have now become formidable weapons of naval warfare, often able to outrun any surface ship. Electronic advances have resulted in much improved navigation and communication systems and in highly capable radar and sonar detection systems. Technological developments have made the missile often the standard main weapon of navies, replacing the gun, and there is now a wide variety of missile types and missions.

The report contains a description of existing naval forces compiled from published sources. The Group cautions that the information is for illustrative purposes only, in order to present a broad picture of naval forces and their capabilities without attempting any form of numerical comparison.

Among the information shown are the following:

- Ballistic missile nuclear submarines (SSBNs)

US	USSR	France	UK	China
37	62	6	4	2

- Submarine-launched ballistic missiles (SLBMs)

US	USSR	France	UK	China
640	928	96	64	24

- Some 40 per cent of combined United States/Soviet strategic missiles are sea-borne;
- More than 7,200 SLBM strategic nuclear warheads are estimated

to be distributed among the navies of the five nuclear weapon States;

- It has been estimated that there are some 5,900 tactical nuclear warheads for naval use;
- Several nations have aircraft-carriers, but sizes and capabilities vary widely;
- In addition to 111 SSBNs, there are more than 800 other submarines (200 nuclear and some 600 conventional) in the world's navies;
- There are more than 2,000 Fast Attack Craft in service around the world.

Applications and Uses of Naval Capabilities

The deployments of naval vessels and the duties such vessels are called upon to perform are many and varied. Although only a few States possess extensive naval capabilities, most navies can carry out some functions, even if only to a limited extent. As described in the report, such functions include strategic nuclear deterrence, power projection (naval force operating in areas distant from home bases and able to support forces on shore), sea control and sea denial, and specialised operations in sea areas covered by ice. More traditional modes of operation in peacetime are activities in affirmation of sovereignty, naval presence and surveillance. In addition there are valuable tasks in which navies are instruments of civilian policy, such as counter-smuggling, fishery protection, counter-terrorism, counter-piracy, hydrography, oceanography, pollution control, disaster relief and search and rescue activities. In sum, says the Group, naval forces are eminently suited for many different peacetime tasks in the public service when the situation demands.

The Maritime Legal Context

The report describes, in broad terms, the maritime legal context and notes in particular the importance and scope of the Convention on the Law of the Sea. Although it has not yet entered into force, many States have become signatories and several are engaged in amending their national legislation to reflect provisions of the Convention. The Convention, adopted on 30 April 1982, was opened for signature on 10 December 1982. As of 9 December 1984, the closing for signature, it had been signed by 159 States and entities. As of 19 July 1985 (almost the end of the Group's work on the study), 21 States

and entities had ratified the Convention, which will enter into force 12 months after the receipt of 60 ratifications or accessions.

In their report, the experts discuss briefly many of the Convention's main provisions affecting the use of the seas by navies, including such aspects as the freedom of navigation, peaceful uses of the seas, internal waters, the territorial sea, straits used for international navigation, archipelagic waters, the exclusive economic zone, the continental shelf and the high seas.

The Group also outlines other multilateral treaties since 1945, bilateral agreements, and declarations affecting the maritime situation.

Implications for Security and the Peaceful Uses of the Seas

Having described the nature of the competitive accumulation and qualitative development of arms taking place in the oceans and seas of the world that constitute the naval arms race, the Group declares that phenomenon to be a part of the global arms race. One of the unique features of the naval arms race is that a great part of naval operations takes place on the high seas. To many of the States seeking to use the oceans for peaceful purposes, particularly if such States do not have strong naval forces of their own, naval operations conducted on the high seas can in certain situations create anxiety and insecurity rather than reassurance.

According to the report, the implications for security of the burgeoning quantitative and qualitative developments taking place in the world's navies are many. First and foremost, there is the threat to world security represented by the strategic nuclear weapons at sea. The arguments on the part of some that such deployments represent successful mutual deterrence are to others insubstantial and inadequate protection against the prospect of misunderstanding, technical fault or human error unleashing a nuclear exchange which would affect the whole world.

At a different level, says the Group, the numbers and extent of the deployment of tactical nuclear weapons also give rise to very great concern in view of the many warships, submarines and aircraft of the nuclear weapon States which can be considered nuclear-capable. In addition, the problems of verification which are already difficult will be further complicated by the development of sea-launched cruise missiles and/or torpedoes, capable of carrying either a nuclear or a conventional warhead.

The world-wide capabilities of the general-purpose naval forces of the United States and the Soviet Union also have significant international security implications. To a lesser extent, there can be similar effects from the activities of some of the blue-water navies. For instance, when warships are employed on normal deployments as part of national peacetime tasks, activities by world-wide and blue-water navies outside their own territorial and regional areas can become a significant political factor in regional and local situations. The Group considers differing categories of naval presence in areas that are often far from the national territory of the State or States concerned. In that context, the report states that the continued establishment and/or reinforcement of military bases abroad, particularly foreign naval bases, constitute a problem deserving particular attention, although it is noted that recent years have witnessed a decline in the number of such bases.

At the local level, the existence of naval forces has often tended to prompt the use of force in the settlement of disputes. The conjunction of a greater number of sovereign States, each with the inherent right of self-defence, and larger sea areas which fall under national jurisdiction gives cause for the belief that there may be more rather than fewer incidents of open conflict in the future. Moreover, there may be an increased risk of incidents in coastal waters or violations of coastal security.

The Group observes that in an increasingly interdependent world the freedom of the high seas is as important as it has ever been; indeed, in some respects it may well be even more important than hitherto. In the light of the relevant provisions in the Convention on the Law of the Sea to promote freedom of navigation and protection of international shipping routes, the harmful impact of naval activities that curtail the free and open use of sea lanes cannot, in the view of the Group, be over-emphasised.

With greater interest in the exploitation of marine resources and the introduction of the exclusive economic zone, the number of offshore and other commercial activities will continue to increase. Naval activities of a warlike nature in recent years have already resulted in instances of extensive pollution and damage to marine resources or interruption of such activities as fishing. Accidents at sea involving a nuclear-armed or nuclear-powered vessel could have very major harmful effects on marine resources. On the other hand, the Group believes that the growing complexity of offshore activities will call for much improved national

and international management arrangements if marine resources are to be exploited in a rational and orderly manner to the benefit of mankind. Within a growing range of activities, there is much that appropriately equipped naval vessels could do and many ways in which the naval experience and capacities of maritime Powers could assist coastal States, if so requested and without interfering in their affairs.

Possible Measures of Disarmament and Confidence-Building

The experts state that whenever arms control and disarmament in the maritime domain are under discussion, some factors should be considered axiomatic. First, disarmament measures should be balanced and should not diminish the security of any State but, at the same time, there is no such thing as a naval balance or parity independent of other military forces. Secondly, this fact together with geographical factors could require measures to be numerically asymmetrical in order to maintain an overall military situation in balance. Thirdly, such measures should be embodied in legal instruments in harmony with the Convention on the Law of the Sea. Fourthly, as in all arms control and disarmament, appropriate verification and complaints procedures are essential for the proper implementation of agreed measures. The Group presents a survey of possible measures of disarmament and confidence-building grouped under the following headings:

- *Quantitative restraints*: Restraints that place numerical limits on certain types of naval vessels and weapons;
- *Qualitative or technological restraints*: Measures to restrain technological improvements to weapons and weapons systems;
- *Geographic and/or mission restraints*: Measures which prohibit or limit naval presence in certain areas or certain types of naval mission, including limitations on the deployments of nuclear weapons in specific areas;
- *Confidence-building measures*: Measures to increase mutual trust and confidence which, although they cannot be substitutes for specific disarmament measures, can assist and support disarmament initiatives and create an atmosphere conducive to progress;
- *Verification*: As a complement to confidence-building, appropriate measures to ensure by technical means and/or human inspection that obligations accepted by treaty are indeed being respected;

- *Modernisation of the laws of sea warfare:* Noting that most of the treaty law which regulates naval warfare is very old, the Group suggests that there is a need for modernisation in such aspects as zonal restrictions, long-range weapons, sea mines and the protection of the marine environment.

Conclusions

After summarising their findings, the experts identify two basic objectives for action.

The first is the achievement by negotiation of (a) effective measures of nuclear disarmament at sea in order to halt and reverse the nuclear arms race until the total elimination of nuclear weapons and their delivery systems has been achieved and (b) measures to achieve security and stability at significantly lower levels of conventional naval arms and armed forces. Measures of naval arms limitation and reduction—both nuclear and conventional—must be considered in the overall context of halting and reversing the arms race in general.

The second objective, according to the report, should be the investigation of possible ways in which naval organisation, capabilities and experience might make positive contributions to the establishment of improved and more effective ocean management policies for the peaceful uses of the world's seas in the years ahead, so that future generations might use to best advantage the resources of the sea for the benefit of all mankind.

With these two objectives in mind, the Group observes that many of the issues addressed in the study deserve greater attention in the appropriate forums within and outside the United Nations, globally and—where appropriate—regionally and subregionally. The Group expresses its hope that the considerations set out in the report will be of assistance in such discussions.

Decision of the General Assembly, 1985

On 12 December 1985, by resolution 40/94 F, which was adopted by 146 votes in favour, 1 vote against (the United States) and 3 abstentions (Grenada, India and Saint Christopher and Nevis), the General Assembly noted with satisfaction the study, commended it and its conclusions to the attention of all member states and invited all member states to inform the Secretary-General, no later than 5 April 1986, of their views concerning it. By the same resolution the General Assembly requested

the Disarmament Commission at its 1986 session to consider the issues contained in the study, both its substantive content and its conclusions, taking into account all other relevant present and future proposals, and to report on its deliberations and recommendations to the General Assembly at its session in the autumn of 1986. The General Assembly also requested the Secretary-General to make the necessary arrangements for the reproduction of the study as a United Nations publication and to give it the widest possible distribution.

THE PROBLEM OF THE PREVENTION OF AN ARMS RACE ON THE SEA-BED

Establishment of Committee on the Peaceful Uses of the Sea-Bed

The twenty-second session of the General Assembly, in 1967, included on its agenda, at the request of Malta, an item entitled "Examination of the question of the reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil, thereof, underlying the high seas beyond the limits of present national jurisdiction, and the use of their resources in the interests of mankind". The discussion of the item showed that the General Assembly's main concern was to establish an international regime over the sea-bed and the ocean floor beyond national jurisdiction, as a way of assuring that the resources on and under the sea-bed and the ocean floor would be exploited for the benefit of all countries, without impairment of the marine environment, and that those areas would not be used for military purposes.

In this connexion, many countries referred to the Antarctic Treaty and the Treaty on the Principles Governing the Use of Outer Space, both of which had reserved areas exclusively for peaceful use.

By resolution 2340 (XXII), unanimously adopted by the General Assembly under this item on 18 December 1967, the Assembly established a thirty-five member *Ad Hoc* Committee to Study the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, and requested the Committee to prepare a study including, among other things, an indication of the practical means of promoting international co-operation in the exploitation, conservation and use of the sea-bed "as contemplated in the title of the item", i.e., exclusively for peaceful purposes. At its twenty-third session, the General Assembly, after considering the report of the *Ad Hoc* Committee,¹ adopted resolution

2467 (XXIII), establishing a forty-two member Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (hereafter referred to as the Sea-Bed Committee) and requesting this Committee, among other things, to study further the reservation exclusively for peaceful purposes of the sea-bed and ocean floor "taking into account the studies and international negotiations being undertaken in the field of disarmament".

Eighteen-Nation Committee on Disarmament 1968

The question of an international agreement on the limitation of military use of the sea-bed and the ocean floor was formally raised as a disarmament measure by the Soviet Union in its memorandum on some urgent measures for stopping the arms race and for disarmament of 1 July 1968, submitted to the ENDC on 16 July 1968.

In this memorandum, the USSR declared that the interests of restricting the arms race were served by the prevention of the extension of military use to new spheres of activity, as in the cases of the Antarctic Treaty and the Treaty on the Principles Governing the Use of Outer Space; it further maintained that the progress of research and the prospects of development of the sea-bed and the ocean floor made it possible to give timely expression to a regime to ensure "the exclusively peaceful use of the sea-bed beyond territorial waters", in particular to prohibit the establishment of fixed military installations in that area; and it proposed that the ENDC start negotiations on this question.

In a message to the ENDC, also dated 16 July 1968, on the occasion of the resumption of the Committee's 1968 session following the conclusion of the treaty on the Non-Proliferation of Nuclear Weapons, the President of the United States prominently mentioned the need for consideration of arms limitation on the sea-bed and called on the ENDC to begin negotiation on an agreement "which would prohibit the use of the new environment for the emplacement of weapons of mass destruction"²

In deciding on a provisional agenda for its future work, the ENDC noted that the subject of the prevention of an arms race on the sea-bed might be discussed under the heading "Other collateral measures", one of the four principal items on the provisional agenda.

Consideration by the General Assembly 1968

The discussion at the ensuing twenty-third session of the General Assembly, on the basis of the memorandum of the Soviet Union and

the report of the ENDC,³ revealed widespread support for the principle of reserving the sea-bed and the ocean floor beyond territorial waters exclusively for peaceful purposes. There were differences of opinion, however, on the best method to accomplish this goal. The Soviet Union and many others supported the principle of complete demilitarisation of the sea-bed. The United States stated only its willingness to explore the feasibility of an agreement to prevent the emplacement of weapons of mass destruction on the sea-bed. Although the General Assembly, in its resolution on general and complete disarmament 2454 B (XXIII), noted the Soviet Union's memorandum of 1 July 1968 and called for urgent measures to negotiate collateral measures of disarmament, it made no direct recommendation on the subject of a limitation on military use of the sea-bed in the disarmament context. As noted above, however, the General Assembly, in resolution 2467 (XXIII) adopted under a non-disarmament item, requested the Committee on the Peaceful Uses of the Sea-Bed to study further the question of the reservation of the sea-bed exclusively for peaceful purposes.

Eighteen-Nation Committee on Disarmament 1969

In a message to the ENDC, when it reconvened on 18 March 1969,⁴ the Chairman of the Council of Ministers of the Soviet Union, Mr. A. Kosygin, stated that, in addition to measures of nuclear disarmament, it was of greatest importance to agree that the sea-bed and the ocean floor should not be used for military purposes. He added that the Soviet Union was submitting a draft treaty on the subject for the Committee's consideration. The Soviet draft treaty⁵ provided for complete demilitarisation of the sea-bed beyond a coastal zone of 12 miles. In a letter to the United States representative on the ENDC,⁶ the President of the United States stated that "in order to assure that the sea-bed, man's latest frontier, remains free from the nuclear arms race", the United States was interested in working out an international agreement to prohibit the emplacement of nuclear weapons or other weapons of mass destruction on the sea-bed. In commenting on the draft treaty of the Soviet Union, the United States maintained that the prohibition of conventional weapons would be impractical, primarily because of the virtual impossibility of adequate verification in the difficult sea environment.

On 22 May, the United States proposed a draft treaty⁷ which would ban nuclear weapons, other weapons of mass destruction and "associated fixed launching platforms" beyond a coastal band of 3 miles. In justification of this more limited ban, the United States, supported by

the United Kingdom, Canada and Italy, maintained that, in addition to the verification difficulties of a total ban, the prohibition of certain defensive uses of the sea-bed would be unacceptable to countries with a long coastline and broad continental shelf.

The principle of complete demilitarisation beyond a 12-mile zone, such as contained in the Soviet draft, obtained widespread support among the non-aligned members of the ENDC.

In a message to the ENDC on 3 July,⁸ the President of the United States, Mr. R. Nixon, expressed confidence that the Committee could find a common ground despite differences in the two draft treaties. The Soviet Union and other members of the ENDC indicated a similar degree of optimism. On 7 October, the USSR and the United States submitted a joint draft treaty⁹ which would ban from the sea-bed, beyond the "maximum contiguous zone" provided for in the 1958 Geneva Convention on the Territorial Seas and the Contiguous Zones (i.e., 12 miles), nuclear weapons or any other weapons of mass destruction, as well as structures, launching installations or any other facilities specifically designed for storing, testing or using such weapons. In its preamble, the joint draft treaty noted the determination of the States parties to continue negotiations concerning further measures leading to "the exclusion of the sea-bed from the arms race". On the question of verification of the treaty prohibition, the joint draft gave States parties the "right to verify" the suspected activities of other States parties "without interfering with such activities or otherwise infringing rights recognised under international law" and committed States parties "to consult and to co-operate" with a view to removing doubts. The joint draft also provided for amendment by a majority vote, including the vote of all States parties possessing nuclear weapons, and for entry into force of the treaty upon ratification by twenty-two governments.

The joint draft treaty was subject to a number of criticisms, and a number of proposals were made for its improvement. Brazil submitted two working papers, one dealing with the control provisions of the treaty, particularly as they affected the "sovereign and exclusive rights" of a coastal State on its continental shelf, the second containing suggestions on the settlement of disputes, particularly in the application of the verification procedures on the continental shelf of a coastal State.¹⁰ Canada submitted a working paper¹¹ proposing broad modification of the procedures governing the "right to verify" in order to protect the rights of coastal States on their continental shelf and to

provide international machinery for verification. Sweden recommended the addition of a treaty article committing parties "to continue negotiations in good faith on further measures relating to a more comprehensive prohibition of the use for military purposes of the sea-bed".¹² These suggestions were supported in their main lines by most of the non-aligned members of the Committee. A number of allies of the Soviet Union and the United States also indicated a considerable measure of sympathy for some of these suggestions; and the United Kingdom, the Netherlands, Mongolia and Poland joined the majority in specifically supporting the Canadian recommendation that the treaty text reaffirm the right of recourse to the Security Council in case of dispute.

The United States stated that the verification procedure proposed in the joint draft did not imply direct access (in the sense of entry into weapons or installations) or any obligation to disclose activities on the sea-bed that were not contrary to the purpose of the treaty. It added that the United States could not accept any obligation to provide assistance to those States not otherwise able to participate in verification activities, and that the suggested obligation to notify a coastal State and permit its participation in the simple verification envisaged in the treaty would constitute an unacceptable infringement of freedom of the seas.

On 30 October, the last day of the Committee's 1969 session, the USSR and the United States submitted a revised joint draft treaty¹³ which (1) closed a "gap" which had been noted in the concept of the exempt zone, by providing that the prohibition in the treaty applied in that zone to all but the coastal State; (2) specifically reaffirmed the right of recourse to the Security Council in case of disputes; (3) eliminated the nuclear Powers' right of veto over amendments; and (4) provided for a review conference after five years. No change was proposed, however, with regard to verification procedures and the rights of coastal States in the control process, and several members of the Committee, including Canada, Italy, Brazil, India, Sweden and Yugoslavia, expressed reservations in this regard. Some members also reiterated the need to include in the operative part of the treaty a firm commitment to further negotiations towards the goal of demilitarisation of the sea-bed.

Consideration by the Sea-Bed Committee 1969

Prior to consideration of the disarmament items by the General Assembly at its twenty-fourth session, the Sea-Bed Committee held

five special meetings, from 11 to 20 November, to weigh the implications of the joint draft treaty for the work of that Committee, in accordance with its mandate under resolution 2467 A (XXIII) mentioned above. In this discussion,¹⁴ a number of Committee members expressed views similar to those voiced in the ENBC but including some new points, in particular: (1) that the treaty should make reference to resolution 2467 A (XXIII), which affirmed that the exploration and exploitation of the sea-bed should be carried out for the benefit of all mankind, and (2) that the concept of a “contiguous zone” in the 1958 Geneva Convention, referred to in the joint draft, was that of a surface zone on the sea and could not apply to the sea-bed. Much stress was also placed on the fact that while the draft treaty made reference to the 1958 Geneva Convention, a majority of countries had not adhered to it. Several countries considered the reference to be unnecessary and some suggestions were made to eliminate this difficulty.

Consideration by the General Assembly 1969

On the eve of the twenty-fourth session of the General Assembly, the Secretary-General, in the introduction to his annual report on the work of the Organisation, for 1968-1969, assessed the situation as follows:

I am... gratified by the interest being displayed... on the question of ensuring that the sea-bed and the ocean floor should be used exclusively for peaceful purposes.

The Conference of the Eighteen-Nation Committee on Disarmament... devoted considerable Attention to the prevention of an arms race on the sea-bed and the ocean floor. Separate draft treaties were presented by the USSR for the demilitarisation of that environment and, by the United States, for its denuclearisation and the banning of weapons of mass destruction. A number of proposals were made by other countries to find compromises between the positions set forth in the two draft treaties.... The forthcoming session of the General Assembly will no doubt wish to give full attention to this problem in an attempt to agree on a treaty acceptable to all. A treaty that would prevent the spread of the arms race to the sea-bed and ocean floor would mark another step forward in this field.

At the twenty-fourth session of the General Assembly, most speakers commented on the general subject of preventing an arms race on the sea-bed, and many made extensive comments on the joint draft treaty. Both the United States and the USSR stressed the urgency of a treaty

of the proposed type. The United States added that the draft was not necessarily final and that it was prepared to consider further changes.

Many speakers urged a number of modifications along the lines of those already proposed in the ENDC or the Sea-Bed Committee. Sweden submitted the same text for a commitment to further negotiations that it had proposed in the ENDC.¹⁵ Canada¹⁶ and Brazil¹⁷ again submitted working papers suggesting extensive elaboration and amendment of the verification procedures proposed in article III of the draft. The Canadian paper was subsequently co-sponsored by Italy. Argentina submitted a working paper¹⁸ providing a substitute text for articles I and II of the draft, designed to eliminate the objectionable reference to the 1958 Geneva Convention in establishing the exempt coastal zone.

Mexico submitted a working paper¹⁹ summarising all the changes in the draft which it considered necessary to permit endorsement of the treaty by the General Assembly and suggesting that, since such extensive modification was probably not possible in the limited time available, the General Assembly should refer the draft back to the CCD with certain recommendations (in the meantime, the ENDC had changed its name to CCD). Mexico also thought that the nuclear weapon States might, in the meantime, declare their commitment to the basic obligations contained in the joint draft, which the General Assembly could note while urging all States to assure full compliance therewith. All these proposals attracted broad support. There was also considerable support for a full consideration of the joint draft treaty by the Sea-Bed Committee before final endorsement of it by the General Assembly. On the whole, it was felt that the debate on the draft treaty had been useful and constructive and that it would facilitate the *ask* of elaborating a generally acceptable text.

On 16 December 1969, the General Assembly by 116 votes to none, with 4 abstentions, adopted resolution 2602 F (XXIV), co-sponsored by 36 Powers, including the USSR and the United States, as well as Argentina, Brazil, Canada, Italy, Mexico and Sweden:

- (1) welcoming the submission to the Assembly of the revised joint draft treaty and the various proposals and Suggestions made in regard to it, and
- (2) calling on the CCD to take the latter into account in preparing the text of a draft treaty to be submitted to a subsequent session of the Assembly.

The resolution reads as follows:

The General Assembly,

Recognising the common interest of mankind in the reservation of the sea-bed and the ocean floor exclusively for peaceful purposes,

Having considered the report of the conference of the Committee on Disarmament and noting with appreciation the work of that Committee in the elaboration of a draft treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof,

Noting the suggestions and proposals relating to the draft treaty annexed to the report of the conference of the Committee on Disarmament, which were made during the course of the discussion of this matter in the First Committee, as well as the suggestions made during the special session of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction,

Considering that the prevention of a nuclear arms race on the sea-bed and the ocean floor serves the interests of maintaining world peace, reducing international tensions and strengthening friendly relations among States,

Convinced that the conclusion of a treaty on the prohibition of the emplacement of nuclear weapons and other weapons of mass destruction on the sea-bed and the ocean floor and in the subsoil thereof would constitute a step towards the exclusion of the sea-bed, the ocean floor and the subsoil thereof from the arms race,

1. *Welcomes* the submission to the General Assembly at its present session of the draft Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof, annexed to the report of the conference of the Committee on Disarmament, and the various proposals and suggestions made in regard to the draft treaty;
2. *Calls upon* the conference of the Committee on Disarmament to take into account all the proposals and suggestions that have been made at the present session of the General Assembly and to continue its work on this subject so that the text of a draft treaty can be submitted to the General Assembly for its consideration.

REFERENCES

1. *Official Records of the General Assembly, Twenty-third Session* document A/7230.
2. *Official Records of the Disarmament Commission, Supplement for 1967 and 1968*, document DC/231, annex I, ENDC/228.
3. *Ibid.*, ENDC/227.
4. Document DC/232, annex C, ENDC/238.
5. *Ibid.*, ENDC/240.
6. *Ibid.*, ENDC/239.
7. *Ibid.*, ENDC/249.
8. *Ibid.*, ENDC/253.
9. *Ibid.*, CCD/269.
10. *Ibid.*, ENDC/264 and CCD/267.
11. *Ibid.*, CCD/270.
12. *Ibid.*, CCD/271.
13. *Ibid.*, annex A, CCD/274.
14. Document A/7622/Add.1.
15. Document A/C.1/994.
16. Document A/C.1/992 and Add. 1.
17. Document A/C.1/993/Rev.1 and Corr.1.
18. Document A/C.1/997.
19. Document A/C.1/995.

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THE SEA-BED TREATY AND ITS THIRD REVIEW CONFERENCE IN 1989 (DECEMBER)

Background

The *Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil thereof*, known as the sea-bed treaty, represents an important step towards preventing an arms race in the vast area at the bottom of the seas and oceans that cover two thirds of the surface of the globe. The treaty was concluded in 1971. As the Secretary-General of the United Nations stated when the treaty was opened for signature: “Fortunately, the world early recognised that the expansion of the arms race to the sea-bed and ocean floor would not only seriously interfere with the growing peaceful exploitation of the area, but would provide a new danger to international security and add a great and unnecessary burden to the already staggering world outlay for military purposes.” The treaty, the Secretary-General added, “may be regarded as the first step in the direction of barring any such undesirable development before it takes place”.

The concern of the United Nations regarding the sea-bed not only its military but also its economic potential—began to find concrete expression in 1967. At the session of the General Assembly that year, it was proposed that international action be taken to regulate the uses of the sea-bed and to ensure that the area’s exploitation would be for peaceful purposes only and for the benefit of all mankind.

In 1968, the Soviet Union proposed that the multilateral disarmament negotiating body in Geneva, the Eighteen-Nation Committee on Disarmament (predecessor of the present Conference on Disarmament), begin negotiations on the establishment of a regime to ensure the exclusively peaceful use of the sea-bed beyond territorial waters, in

particular to prohibit the establishment of fixed military installations in that vast area. At the same time, the United States acknowledged the timeliness and relevance of dealing with the question and suggested that the Committee begin to define those factors vital to a workable, verifiable and effective international agreement which would prevent the sea-bed from being used for the emplacement of weapons of mass destruction.

It was then agreed between the Soviet Union and the United States that the purpose of the treaty under discussion would be to limit the military use of the sea-bed by banning from it nuclear and other weapons of mass destruction. To that end, the two States submitted a joint draft treaty to the Eighteen-Nation Committee on Disarmament in Geneva, which was extensively debated and subsequently revised a number of times. In the course of the debate various proposals were made, which concerned mainly the geographical area covered by the treaty; verification of compliance; the relationship of the obligations assumed under the treaty and other international obligations; the relationship of the treaty to international agreements concerning the establishment of nuclear-free zones; and the commitment of the parties to continue negotiations on further disarmament measures for the sea-bed and the ocean floor. In early September 1970, after intensive consultations, the final text of the draft treaty that incorporated the substance of most of the amendments and suggestions put forward by a number of States was approved and submitted to the General Assembly as part of the Committee's report.

On 7 December, the General Assembly commended the treaty and requested its depositary Governments to open it for signature and ratification at the earliest possible date. In doing so, the Assembly expressed its conviction that the prevention of an arms race on the sea-bed and the ocean floor served the interests of maintaining world peace, and that it was in the common interest of mankind to reserve the sea-bed and the ocean floor exclusively for peaceful purposes.

The treaty was opened for signature on 11 February 1971 and entered into force on 18 May 1972. Three nuclear weapon States, the Soviet Union, the United Kingdom and the United States which are the depositaries of the treaty and numerous other countries, in particular a number of important maritime Powers, are parties to it. By September 1989, when the States parties met (for the third time) to review the operation of the treaty, 82 States had ratified it, while 23 States had signed but not yet ratified it.

The treaty constitutes an arms limitation measure applicable to the sea-bed environment. As mentioned above, it was negotiated at a time of growing interest in the regulation of the use of the oceans and their resources. Efforts directed towards the broader objective of developing a comprehensive legal code to govern the use of the oceans culminated, in 1982, in the conclusion of the United Nations Convention on the Law of the Sea. Nothing contained in that Convention affects the rights and obligations assumed by States parties under the sea-bed treaty.

Main Provisions of the Sea-Bed Treaty

In the preamble, the States parties express their conviction that the treaty constitutes a step towards the exclusion of the sea-bed, the ocean floor and its subsoil from the arms race.

All States parties undertake, in article I, not to emplant or emplace nuclear and other weapons of mass destruction on the sea-bed beyond a 12-mile wide zone defined in article II. In addition, no facilities specifically designed for storing, testing or using such weapons may be installed. The outer limit of the sea-bed zone is defined in article II as being coterminous with the 12-mile outer limit of the zone referred to in an earlier international agreement, the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone.

Under article III, each State, party has the right to verify, through observation, other parties' activities on the sea-bed beyond the 12-mile zone, provided that such observations do not interfere with those activities. The treaty also provides for the possibility of consultation and co-operation on such further verification procedures as may be agreed to, including appropriate inspection of objects, structures, installations or other facilities that may reasonably be expected to be of a kind prohibited by the treaty. Verification may be undertaken by any State party using its own means or through appropriate international procedures within the framework of the United Nations. If, in spite of consultation and co-operation among the parties, there remains a serious question concerning fulfilment of the obligations under the treaty, a State party may refer the matter to the Security Council.

As the sea-bed treaty was negotiated at a time when the broader issues of international law applicable to the sea were being discussed in the preparatory phase for the United Nations Conference on the Law of the Sea, article IV states that nothing in the treaty shall be interpreted as supporting or prejudicing the position of any State party with respect to existing international conventions, including the 1958

Convention on the Territorial Sea and the Contiguous Zone, or with respect to any claim it may make related to waters off its coast, including territorial seas and contiguous zones, or to the sea-bed and the ocean floor, including continental shelves.

States parties undertake, in article V, to continue negotiations in good faith concerning further measures in the field of disarmament for the prevention of an arms race on the sea-bed, the ocean floor and in its subsoil.

In article VII, the treaty provides for review conferences in order to ensure that the purposes of the preamble and the provisions of the treaty are being realised, taking into account any relevant technological developments.

As stated in article IX, the treaty in no way affects the obligations assumed by States parties under international instruments establishing nuclear weapon-free zones.

First and Second Review Conferences

Prior to 1989, two review conferences were held in 1977 and 1983, respectively. In their Final Declaration of 1977, which they adopted by consensus, the participating States recognised the continuing importance of the treaty and its objectives and affirmed their belief that universal adherence to it would enhance peace and security. They, therefore, called upon the States that had not yet become parties to the treaty, particularly those possessing nuclear weapons or any other types of weapons of mass destruction, to do so at the earliest possible date. They emphasised that the treaty had been faithfully observed and that it had demonstrated its effectiveness since its entry into force. They also reaffirmed their common interest in avoiding an arms race involving nuclear and other weapons of mass destruction on the sea-bed. The 1983 Final Declaration, also adopted by consensus, reached the same conclusions.

At the two Review Conferences, an examination of the various provisions of the treaty was undertaken with a view to making recommendations regarding their further implementation.

Both Conferences affirmed that the zone covered by the treaty reflected the right balance between the need to prevent an arms race on the seabed and the right of States to control verification activities close to their own coasts. Participants also noted that no verification procedures had been invoked under article III, and that the provisions

under that article included the right to agree to resort to various international procedures, such as *ad hoc* consultative groups of experts. In discussions at both Conferences, a number of countries pointed out that since most States parties did not possess adequate independent means of verification, the procedures provided for in article Hi should be further elaborated.

The States parties reaffirmed their commitment to continue negotiations on further measures to prevent an arms race on the sea-bed. Since talks had not yet been held, the Geneva negotiating body was requested to proceed promptly with its consideration of such measures, in consultation with the States parties.

Even though no information was presented to the Review Conferences indicating that major technological developments affecting the operation of the treaty had taken place since 1972, States parties recognised the need to keep such developments under continuous review. Certain parties expressed doubts about statements by other parties to the effect that no relevant military or peaceful technological developments had occurred.

The Conferences reaffirmed their conviction that nothing in the treaty affected the obligations assumed by States parties to the treaty under international instruments establishing zones free from nuclear weapons.

In 1983, the General Assembly welcomed with satisfaction the positive assessment of the treaty made by the Second Review Conference and requested the Conference on Disarmament to proceed promptly with consideration of further disarmament measures for the prevention of an arms race on the sea-bed.

Subsequently, the Conference on Disarmament reported that, during consideration of the subject, the view was expressed that the scope of the treaty should be broadened to allow for the fuller demilitarisation of the sea-bed, that its provisions governing procedures for verification and compliance should be improved and that access to information on relevant technological developments should be facilitated. The conference on Disarmament also noted that differences of opinion existed concerning the urgency of conducting negotiations on further measures.

The Third Review Conference

At the 1988 regular session of the United Nations General Assembly, States parties to the treaty agreed that a further review conference

should be held in 1989, and the General Assembly adopted a resolution to that effect. The Preparatory Committee for the Third Review Conference met in April 1989 and decided that the Conference would be held in September 1989 in Geneva. It also adopted a provisional agenda and draft rules of procedure for it.

The Conference was held from 19 to 28 September under the presidency of Ambassador Sergio de Queiroz Duarte of Brazil. Of the 82 States parties to the treaty, 53 participated in the Review Conference, joined by 2 of the 23 signatory States. In addition, 13 non-signatory States were granted observer status at the Conference.

In a message addressed to the participants, the Secretary-General of the United Nations underscored that the treaty was an important preventive measure in the field of arms limitation and disarmament. It reflected, he stated, the awareness of the international community that the extension of the arms race to two thirds of the surface of our planet would only add new threats to international peace and security. The treaty, he noted, called for continued negotiations on further measures for the prevention of an arms race on the sea-bed and the ocean floor and in the subsoil thereof. This commitment had been reaffirmed by the General Assembly in the Final Document of its first special session devoted to disarmament as well as by the First and the Second Review Conferences. Furthermore, the treaty recognised that scientific and technological advances could open possibilities for new military uses of the sea-bed. Consequently, the Secretary-General stated, one of the main tasks of the Conference was to conduct a thorough review of the situation, taking into account relevant technological developments.

The Review Conference held a general debate in which 28 speakers made statements. In the debate, the effectiveness of the treaty in ensuring that no nuclear weapons or other weapons of mass destruction were emplaced in the sea-bed zone and on the ocean floor was stressed in spite of some longstanding differences regarding measures to improve the treaty regime. It was also noted that no party had resorted to the verification arrangements provided for in article III of the treaty.

In addition to verification, the main subjects of discussion at the third Review Conference were: the scope of the treaty, both in terms of the geographical zone of application and in terms of extending its application to weapons other than those of mass destruction; the related question of the need for further measures to prevent an arms race on

the sea-bed; technological developments relevant to the operation of the treaty; the relationship between the treaty and the 1982 United Nations Convention on the Law of the Sea; and the question of additional review conferences.

By far the most significant development that emerged from the Third Review Conference concerned the question of extending the geographical scope of the treaty, a question that falls under article II. In the general debate, the three depositaries of the treaty declared, for the first time, that they "have not emplaced any nuclear weapons or other weapons of mass destruction on the sea-bed outside the zone of application of the treaty as defined by its Article II and have no intention to do so"-a statement generally understood to refer to territorial waters. The declarations were welcomed by many delegations. After discussion, the Conference confirmed in its Final Declaration that those statements held true for all States parties. At the final meeting of the Conference, the three nuclear weapon States emphasised that this confirmation in the Declaration did not represent a legally-binding modification of the treaty itself, but rather a statement of fact and of present intentions.

With respect to the extension of the scope of the treaty to weapons other than those of mass destruction and the related question of further measures to prevent an arms race on the sea-bed, States reiterated views expressed during the previous Review Conferences. The non-aligned and socialist States favoured the complete demilitarisation of the sea-bed and urged further negotiations to that end. The United Kingdom stated once again that it had not identified any further measures that could be initiated in that regard. The United States, for its part, believed that no arms race-on the sea-bed existed nor was one in the offing. However, all participating States agreed that if further measures were to be identified, that task would fall within the domain of the Conference on Disarmament. Ultimately, the Final Declaration, under article V, repeated the request made at the Second Review Conference that the Conference on Disarmament, in consultation with the States parties to the treaty and taking into account existing proposals and any relevant technological developments, proceed promptly with consideration of such measures.

In addition, the Final Declaration stated that the parties recognised that "other arms limitation and disarmament negotiations on measures with wider application that will contribute to the general objectives of the treaty have been completed, are under way or are contemplated, and will, when successfully implemented, contribute to the effectiveness

of the Treaty". It was understood that this referred to the negotiations in connection with the USSR-US Treaty on the elimination of their intermediate- and shorter-range missiles (INF Treaty), which have ended successfully, and the ongoing strategic arms reduction talks and the chemical weapons negotiations.

The question of technological developments relevant to the operation of the treaty, which many parties consider as being the very *raison d'être* of review conferences, also received great attention. Several proposals were made on the monitoring of relevant technological developments. In general, the proposals which had aspects connected with the question of verification of compliance and had financial implications were not supported by Western States. In their view, the treaty functioned well as it was, and proliferation of bodies and mechanisms should be avoided. Finally, the Review Conference decided to call on the Secretary-General of the United Nations to report by 1992, and every three years thereafter until the Fourth Review Conference is convened, on technological developments relevant to the treaty and to the verification of compliance with the treaty, including dual purpose technologies for peaceful and specified military ends.

This is the first time that the Secretary-General has been requested to report on technological developments relevant to the verification of compliance with the treaty. In carrying out this task, the Secretary-General should draw from official sources and from contributions by States parties, and could use the assistance of appropriate expertise. Parties were urged to assist him by providing information and drawing his attention to suitable sources.

The relationship between the sea-bed treaty and the 1982 United Nations Convention on the Law of the Sea was referred to by many delegations, usually in the context of the need to avoid any weakening of the sea-bed treaty's provisions. The view that nothing in the Law of the Sea Convention should affect the rights and obligations assumed by States parties under the sea-bed treaty was reaffirmed.

All delegations expressed the view that the Conference had been a success and that this success was due not only to the fact that the treaty's provisions had been effectively implemented by all States parties, but also to the prevailing relaxation of tension in international relations.

The Conference noted with concern that although the treaty had demonstrated its effectiveness it did not yet enjoy universal adherence. The Conference called upon the States that had not yet become parties,

particularly those possessing nuclear weapons or any other types of weapons of mass destruction, to do so at the earliest possible date. Such adherence would be a further significant contribution to international confidence.

Agreement was reached that a fourth review conference would be held, in principle no earlier than 1996, if a majority of States parties to the treaty so requested, if it was not convened in 1996, the depositary Governments would solicit the views of all States parties on it in 1997.

Action by the General Assembly, 1989

At its forty-fourth session, the General Assembly, *inter alia*, welcomed with satisfaction the Third Review Conference's positive assessment of the effectiveness of the treaty since its entry into force, as reflected in its Final Declaration. The Assembly reiterated its expressed hope for the widest possible adherence to the treaty, and invited all States that had not yet done so, particularly those possessing nuclear weapons or any other types of weapons of mass destruction, to ratify or accede to the treaty as a significant contribution to international peace and security. Furthermore, it affirmed its strong interest in avoiding an arms race in nuclear weapons or any other types of weapons of mass destruction on the sea-bed and requested the Conference on Disarmament to proceed promptly with consideration of further measures to prevent an arms race in that environment. It also requested the Secretary-General to report by 1992 and at three year intervals thereafter on technological developments relevant to the treaty and to the verification of compliance with it in accordance with the Final Declaration of the Conference.

FINAL DECLARATION OF THE THIRD REVIEW CONFERENCE

Preamble

The States Parties to the treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof which met in Geneva in September 1989 in accordance with the provisions of article VII to review the operation of the treaty with a view to assuring that the purposes of the preamble and the provisions of the treaty are being realised:

Recognising the continuing importance of the treaty and its objectives,
Recalling the Final Declaration of the First Review Conference of the

Parties to the treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof held in Geneva from 20 June to 1 July 1977, as well as the Final Declaration of the Second Review Conference of the Parties to the treaty held in Geneva from 12 to 23 September 1983,

Affirming their belief that universal adherence to the treaty and particularly adherence by those States possessing nuclear weapons or any other weapons of mass destruction would enhance international peace and security, Recognising that an arms race in nuclear weapons or any other types of weapons of mass destruction on the sea-bed would present a grave threat to international security,

Recognising also the importance of negotiations concerning further measures in the field of disarmament for the prevention of an arms race on the sea-bed, the ocean floor and the subsoil thereof,

Considering that a continuation of the trend towards a relaxation of tension and an increase of mutual trust in international relations would provide a favourable climate in which further progress can be made towards the cessation of the arms race and towards disarmament,

Reaffirming their conviction that the treaty constitutes a step towards the exclusion of the sea-bed, the ocean floor and the subsoil thereof from the arms race, and towards a treaty on general and complete disarmament under strict and effective international control,

Emphasising the interest of all States, including specifically the interest of developing States, in the progress of the exploration and use of the sea-bed and the ocean floor and its resources for peaceful purposes, Affirming that nothing contained in the Convention on the Law of the Sea of 10 December 1982 affects the rights and obligations assumed by States Parties under the treaty,

Taking note of the information concerning the informal meeting held in 1989 under the auspices of the Conference on Disarmament as well as the communications from the Depositary Governments and other States,

Appealing to States to refrain from any action which might lead to the extension of the arms race to the sea-bed and ocean floor, and might impede the exploration and exploitation by States of the natural resources of the sea-bed and ocean floor for their economic development,

Declare as follows:

Purposes

The States Parties to the treaty reaffirm their strong common interest in avoiding an arms race on the sea-bed in nuclear weapons or any other types of weapons of mass destruction. They reaffirm their strong support for the treaty, their continued dedication to its principles and objectives and their commitment to implement effectively its provisions.

Article I

The review undertaken by the Conference confirms that the obligations assumed under article I of the treaty have been faithfully observed by the States Parties. The Conference is convinced that the continued observance of this article remains essential to the objective which all States Parties share of avoiding an arms race in nuclear weapons or any other types of weapons of mass destruction on the sea-bed.

Article II

The Conference reaffirms its support for the provisions of article II which define the zone covered by the treaty. The Conference agrees that the zone covered by the treaty reflects the right balance between the need to prevent an arms race in nuclear weapons and any other types of weapons of mass destruction on the sea-bed and the right of States to control verification activities close to their own coasts. All States Parties to the treaty confirm that they have not emplaced any nuclear weapons or other weapons of mass destruction on the seabed outside the zone of application of the treaty as defined by its article II and have no intention to do so.

Article III

The conference notes with satisfaction that no State Party has found it necessary to invoke the provisions of article III, paragraphs 2,3,4 and 5, dealing with international complaints and verification procedures. The Conference considers that the provisions for consultation and co-operation contained in paragraph 2,3 and 5 include the right of interested States Parties to agree to resort to various international consultative procedures. These procedures could include *ad hoc* consultative groups of experts in which all States Parties could participate, and other procedures. The Conference stresses the importance of co-operation between States Parties with a view to ensuring effective implementation

of the international consultative procedures provided for in article III of the treaty, having regard also for the concerns expressed by some States Parties that they lack the technical means to carry out the verification procedures unaided.

The conference reaffirms in the framework of article III and article IV that nothing in the verification provisions of this treaty should be interpreted as affecting or limiting, and notes with satisfaction that nothing in these provisions has been identified as affecting or limiting, the rights of States Parties recognised under international law and consistent with their obligations under the treaty, including the freedom of the high seas and the rights of coastal States.

The conference reaffirms that States Parties should exercise their rights under article III with due regard for the sovereign rights of coastal States as recognised under international law.

Article IV

The Conference notes the importance of article IV which provides that nothing in this treaty shall be interpreted as supporting or prejudicing the position of any State Party with respect to existing international conventions, including the 1958 Convention on the Territorial Sea and Contiguous Zone, or with respect to rights or claims which such State party may assert, or with respect to recognition or non-recognition of rights or claims asserted by any other State, related to waters off its coast, including, *inter alia*, territorial seas and contiguous zones, or to the sea-bed and the ocean floor, including continental shelves.

The Conference also noted that obligations assumed by States Parties to the treaty arising from other international instruments continue to apply.

Article V

The Conference reaffirms the commitment undertaken in article V to continue negotiations in good faith concerning further measures in the field of disarmament for the prevention of an arms race on the seabed, the ocean floor and the subsoil thereof.

The Conference notes that negotiations aimed primarily at such measures have not yet taken place. Consequently, the Conference again requests that the Conference on Disarmament, in consultation with the States Parties to the treaty, taking into account existing proposals

and any relevant technological developments, proceed promptly with consideration of further measures in the field of disarmament for the prevention of an arms race on the sea-bed, the ocean floor and the subsoil thereof.

At the same time, the Conference notes that other arms limitation and disarmament negotiations on measures with wider application that will contribute to the general objectives of the treaty have been completed, are under way or are contemplated, and will, when successfully implemented, contribute to the effectiveness of the treaty.

Article VI

The conference notes that over the 17 years of the operation of the treaty no State Party proposed any amendments to this treaty according to the procedure laid down in this article.

Article VII

The conference notes with satisfaction the spirit of co-operation in which the Third Review Conference was held.

The conference, recognising the importance of the review mechanism provided in article VII, and having considered the question of the timing of the next Review Conference and the necessary preparations thereto, decides that the Fourth Review Conference shall be convened in Geneva, in principle not earlier than 1996, at the request to the Depositary Governments of a majority of States Parties to the treaty, if they consider that relevant developments make this advisable. If the Fourth Review Conference is not convened in 1996, the Depositary Governments shall solicit the views of all States Parties to this treaty on the holding of the Conference in 1997. If 10 States Parties so request, the Depositary Governments shall take immediate steps to convene the Conference. If there is no such request, the Depositary Governments shall resolicit the views of States Parties at three-year intervals thereafter.

The Conference takes note of the fact that no information has been presented to it indicating that major technological developments have taken place since 1983 which affect the operation of the treaty. The Conference, nevertheless, recognises the need to keep such developments under continuing review, and the importance of relevant information in assisting States Parties to decide on the timing of the Fourth Review Conference.

To this end the Conference requests the Secretary-General of the United Nations to report by 1992, and every three years thereafter

until the Fourth Review Conference is convened, on technological developments relevant to the treaty and to the verification of compliance with the treaty, including dual purpose technologies for peaceful and specified military ends. In carrying out this task the Secretary-General should draw from official sources and from contributions by States Parties to the Sea-Bed Treaty, and could use the assistance of appropriate expertise. The Review Conference urges all States Parties to the treaty to assist the Secretary-General by providing information and drawing his attention to suitable sources.

Article VIII

The Conference notes with satisfaction that no State Party has exercised its rights to withdraw from the treaty under article VIII.

Article IX

The Conference reaffirms its conviction that nothing in the treaty affects the obligations assumed by States Parties to the treaty under international instruments establishing zones free from nuclear weapons.

Article X

The Conference stresses that the 17 years that have elapsed since the date of entry of the treaty into force have demonstrated its effectiveness. At the same time, the Conference notes with concern that the goal of the Parties that the treaty should enjoy universal acceptance has not yet been achieved.

The Conference welcomes the adherence of 10 States to the treaty since the Second Review Conference, thus bringing the total number of Parties to 82. The Conference calls upon the States that have not yet become Parties, particularly those possessing nuclear weapons or any other types of weapons of mass destruction, to do so at the earliest possible date. Such adherence would be a further significant contribution to international confidence.

Parties to the Treaty at the time of the Third Review Conference

Afghanistan, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Belgium, Benin, Botswana, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Central African Republic, Congo, Cote d' Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Dominican Republic, Ethiopia, Finland, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guinea-Bissau,

Hungary, Iceland, India, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Lao People's Democratic Republic, Lesotho, Luxembourg, Malaysia, Malta, Mauritius, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Poland, Portugal, Qatar, Republic of Korea, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Seychelles, Singapore, Solomon Islands, South Africa, Spain, Swaziland, Sweden, Switzerland, Togo, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam, Yugoslavia and Zambia.
(Total: 82)

Signatories to the Treaty at the time of the Conference

Bolivia, Burundi, Cameroon, Colombia, Costa Rica, Democratic Kampuchea, Equatorial Guinea, Gambia, Guatemala, Guinea, Honduras, Lebanon, Liberia, Madagascar, Mali, Myanmar, Paraguay, Senegal, Sierra Leone, Sudan, United Republic of Tanzania, Uruguay and Yemen.
(Total: 23)

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DEFINING A NEW ITEM ON THE DISARMAMENT AGENDA

In 1995, the Secretary-General coined the term “micro-disarmament” to describe “practical disarmament in the context of the conflicts the United Nations is actually dealing with” —intra-state conflicts involving small arms and light weapons. This category of weapon, which had been relegated to the margins of the disarmament agenda during the Cold War, is now presenting the international community with challenging tasks and rich opportunities for action. The Centre for Disarmament Affairs (CDA) organised a workshop, held at headquarters on 8 November 1995, to focus on this new approach: disarmament as an integral part of the process of preventing, mitigating and resolving conflicts and building peace once conflict is over.

This study is a selection of the material presented at the workshop. The participants, who were from within and outside CDA, shared their experiences dealing with micro-disarmament on the conceptual and the operational levels.

A tour d’horizon of the many issues encompassed by micro-disarmament was given by the Under-Secretary-General for Political Affairs, Marrack Goulding: reasons for acquiring small arms, the continuum between security and development, and possible approaches to take.

Swadesh Rana of CD A described how the traditional paradigms of arms control did not meet the challenges posed by the excessive proliferation of small arms. Douglas Fraser of CDA outlined the disarmament and conflict resolution (DCR) project carried out by the United Nations Institute for Disarmament Research (UNIDIR), based on Virginia Gamba’s introduction to the DCR case-study series *Managing Arms in Peace Processes*. (Mr. Fraser’s presentation is not contained in

this issue.) The project examined the utility and modalities of disarming warring parties as an element of conflict resolution.

Ivor Fung of CDA examined a specific instance of micro-disarmament: the high-level advisory mission sent by the Secretary-General at the request of the Government of Mali to study the problem of illicit proliferation of light weapons in that country and a follow-up mission to the Sahel-Sahara subregion.

Other crucial aspects of micro-disarmament, first the demobilisation of combatants and their re-integration into civilian life, and secondly, the process of post-conflict disarmament, in particular possible means for disposing of surplus weapons, were taken up by Herbert Wulf and Edward Laurance, respectively.

EXPANDING THE DISARMAMENT AGENDA

One of the most important objectives of disarmament has been to promote peace and stability among nations. The many efforts that have been made over the years to prevent the stockpiling, transfer, development or testing of different types of armaments that might have a destabilising effect should be seen in the light of that goal. Another objective has traditionally been to minimise the capacity of various weapons to cause human suffering. Current efforts to put micro-disarmament on the disarmament agenda reflect both those priority objectives.

The uncontrolled flow of small arms into and through States can be a major destabilising factor for the political and social situation of a country or a region. It affects all our lives in different ways. In countries everywhere, small arms proliferation evokes concern about the spread of crime and the increasingly lethal nature of criminal activity. In war-ravaged countries, a great deal of attention has been rightly focused on the human suffering caused by the indiscriminate use of anti-personnel land-mines, which take a terrible toll on human life and limb, and will continue to do so for decades to come. Micro-disarmament fits four-square into the kind of priorities and objectives that have always informed the disarmament agenda, and is therefore an important additional item on that agenda.

Micro-disarmament has become accentuated not only as a result of the end of the Cold War, but also to some extent because of the Cold War itself. One of the less attractive features of the Cold War was the extent to which the major Powers allowed themselves to fight their

battles by proxy in third world countries. Anyone who has ever visited southern Africa, Central America, Southeast Asia or West Asia has been struck by the enormous volume of arms that are sloshing around those parts of the world as a legacy of the Cold War. Both sides, in a highly uncontrolled way, had been pouring weapons into those areas to those fighting their wars by proxy. A vivid demonstration of some of the consequences of such arms flows was seen in Nicaragua. When the United Nations was helping to disarm the Contras, considerable alarm was created in some capitals by the revelation that a large number of highly effective surface-to-air missiles had been delivered to that group. Yet, there was no record of where they had been delivered or where they were at that time. In a part of the world beset by powerful and rich drug dealers, the thought that a large number of “red eyes” and other sophisticated surface-to-air missiles systems had gone missing was a matter of very grave concern.

The situation might not be as acutely obvious in other countries as it was in Nicaragua, but the serious repercussions of uncontrolled small arms proliferation remain the same. The consequences of the Cold War in the Horn of Africa, for instance, are the enormous number of AK-47s—the Kalashnikov rifle—and other small weapons easily available there at low cost. These are the weapons that are killing people right now. While weapons of mass destruction remain a major threat, they aren’t actually killing people. Small arms are killing people in large numbers. The situation has been made worse by another consequence of the end of the Cold War, the rekindling of a number of conflicts frozen during the course of the Cold War—in Europe, in the non-European parts of the former Soviet Union and, to a terrible degree, in Africa. These conflicts are being fuelled by the excessive flow of small arms around the world.

Owing to the nature of current conflicts, as well as to the characteristics of small arms and light weapons themselves, it is proving more difficult in some ways to bring such weapons under control than it has been to control weapons of mass destruction or major conventional weapon systems. In many cases, small arms are being used in conflicts between factions without governmental structures and chains of command and people with whom to negotiate. In many cases, they are being used by criminal gangs. One problem is that there are no records for such weapons. Most Governments that manufacture major weapon systems know what they have manufactured and where the products go. This is not necessarily the case with small arms. It is difficult to get

a handle on the quantities and types of small arms produced, and where they are transferred. Even if you could find people with whom to negotiate, the lack of reliable data about quantities, types and end-users makes it difficult to conclude the kinds of agreement that can be reached for larger conventional weapon systems.

So why is it that there are so many small arms and light weapons available, flowing around and being bought and sold? It's not simply a matter of oversupply. It's not merely a matter of surplus from the Cold War. Why, in fact, do people feel that they need small arms at present? How are arms merchants finding customers? We already have some answers to those questions—internal conflicts, deliberate destabilisation by one Power to achieve political results in a neighbouring country, the crime scene. A major consumer, or source of demand, for small arms is clearly the international drug trade. If one recalls that the trade in narcotics handled by the major international crime syndicates probably turns over somewhere between \$300 and \$400 billion a year, is it any wonder that there is an enormous amount of money available to buy small arms, creating an attractive market for manufacturers and traders in those weapons?

But, a further complication is that there are respectable reasons for the demand in small arms. One of the findings of the mission, which the Secretary-General sent in 1994 to Mali, at the request of the Government of Mali, was that a lot of the small arms held illegally in that country were held by people who felt the need to have a weapon in their houses because the law and order that a functioning Government should normally provide to its people was no longer being provided. As a result of financial, structural and administrative difficulties, the Government of Mali was no longer in a position to ensure law and order, a protection that should be a standard part of the services that a Government renders to its citizens. This same situation obtains for many countries other than Mali. House holders feel they have an obligation to have their own weapons to protect themselves, their families and their property. If need be, they will obtain them illegally.

That illustrates another point which is very close to the Secretary-General's heart—the continuum between security and development.

There is no security without development; there is no development without security. The international community thus faces the rather difficult task of persuading United Nations programmes, funds and offices concerned with economic and social development that they

should be ready to make voluntary funds available to finance efforts to strengthen the capacity of Governments to provide basic law and order. Only in that way can the kind of security be established in which people can concentrate their minds and energies on development.

There are other key questions that need to be squarely addressed when looking at the causes and effects of the flow of so many small arms around the world and when searching for an effective international response to the problem. For instance, how should the international community set about the difficult task of getting the flow of small arms under control, and then possibly reduced? In this regard also, the international community finds itself facing a set of questions similar to those facing the United Nations in the narcotics fields. To what extent can the excessive flows of small arms and light weapons be tackled at the production end? How much at the point of transfer? Or at the consumption end?

It is indeed of crucial importance that the international community is tackling the complex of questions and issues surrounding the proliferation of small arms and light weapons. It will not be easy. I am nevertheless absolutely sure that one way to advance the traditional disarmament objectives of promoting peace and stability among States and avoiding human suffering is to seek answers and solutions to these pressing questions.

LIGHT WEAPONS AND CURRENT CONFLICTS

“Gone are the good old days when well-trained armies fought each other over hotly contested but clearly understood objectives.” Today, a statement of this sort would be labelled an exercise in politico-military nostalgia. Yet, it may help to understand what distinguishes current day conflicts from earlier ones and to point out why traditional paradigms of arms control may not be adequate to deal with the phenomena which the Secretary-General has called micro-disarmament.

Most current conflicts are characterised more by mindless violence than any clearly stated objectives. They are not fought by regular armies. They do not have defined military targets. At times, the causes for which a conflict started are not the causes for which it was fought. A food riot started by youngsters in the streets of a poor country may turn into full scale civil strife aimed at overthrowing its Government. Refugees fleeing from starvation across a frontier might set off a chain of events resulting in toppling the regime in the receiving country,

particularly if the country in which they are taking refuge has sizeable sections of populations whose ethnic and communal affinity is with the incoming refugees. We may never be able to anticipate every situation that can lead to civil strife.

In Rwanda, Somalia and Burundi, the average age of the fighter is getting younger. There are more untrained people using weapons for causes which the rest of the world finds very difficult to understand. The peace process becomes even more difficult when we look to resolve the causes of conflict rather than the conflict itself. Is there some linkage between the easy availability of weapons to disaffected groups within society and their disinclination to rely upon peaceful change to achieve their objectives?

Using a Kalashnikov AK-47, a grenade, or a mortar, does not require any training. In fact, some of the weapons that have been used in conflicts like Somalia, Rwanda, and Burundi are not even seen as weapons until they are used as such. Consider the damage that can be done, for example, with a twisted pipe from a car to which a string of rubber and a stone have been attached. Or a Molotov cocktail. These weapons can be produced as a cottage industry, in backyards. They are sold cheaply on the international market: a rifle can be bought for six dollars, a chicken or a bag of maize. Some of them are simply stolen. The supplier is not known, nor the buyer. Only the user can be identified.

One of the most disturbing political aspects of present-day conflicts is that people who start the conflict pick up causes to fight for. They start by wanting to have food for their families and end up wanting a separate State in the name of self-determination. They rise up in the name of human rights for an individual, get involved with the subject of group rights for the minorities and end up by presenting their case to the international community as a case for ethnic or national self-determination. These conflicts are likely to be exacerbated because a larger variety of weapons is available from a wider variety of sources at cheaper prices to a larger number of people.

What kinds of situations might erupt into conflicts? Apart from such cases as Rwanda, Somalia, and Burundi, the *Global Humanitarian Emergencies* reports prepared by the United States intelligence community and distributed as a public document recently anticipates that in the next two years at least 30 countries in the world are likely to face the type of conflicts I am referring to. The report anticipates that a

combination of man-made and natural causes may result in civil strife in those countries. If there are no organised armies and no State parties involved, negotiating a peace settlement to end these conflicts will not be easy. Anywhere up to three quarters of the population in those 30 countries are likely to be internally uprooted or forced to flee across frontiers.

As an indirect consequence of the conflicts in those 30 countries, at least 80 other countries in the world are likely to be affected by such conflict-induced social phenomenon as receiving refugees, displacement of their own populations, and civil strife from within caused by groups, which might have ethnic or religious affinities with the refugees. These are optimistic situations to look forward to. I believe this explains the interest in the media, in the public and among policy makers on how to deal with current conflicts and what to do about light weapons as primary tools for these conflicts.

The main point I would like to make here is that traditional paradigms of arms control may not be adequate to deal with the phenomenon of small arms or light weapons. Unlike weapons of mass destruction, small arms cannot be eliminated as a category of weapons, because the very weapons causing so much death or destruction lately are also necessary for keeping internal security.

The available international mechanisms to promote non-proliferation of weapons may also prove ineffective to stem the flow of small arms. One, because proliferation has already occurred. Two, because identification of sources and causes of production might be impossible: small arms production might be a cottage industry. Monitoring mechanisms may also prove wanting when there is no direct connection between who supplies arms, who buys them and who actually uses them. The route might be circuitous. The weapons used in Afghanistan and supplied by the Soviet Union, the United States or China, show up in Viet Nam, are perhaps routed to Thailand and end up somewhere in Rwanda or Burundi. Arms agreements are negotiated with international entities. Most of the small arms and light weapons, however, are being used by individuals and groups who are not accountable to any State authority. Involving them in the negotiating process risks legitimising the use of violence by giving recognition to groups which have resorted to violence and have not agreed to peaceful change.

The time is ripe for political action. The militarily powerful countries in the world, which had kept a strategic balance during the Cold War,

are not by and large overly anxious to get involved with the conflicts in which small arms are being used. There is also a certain war-weariness or fatigue among countries in the neighbourhood of conflicts being fought by light weapons. Much of it is perhaps caused by the hardships imposed on them by the refugees fleeing from the scenes of violence. Indeed, some of the heaviest burdens of receiving internally-displaced persons and refugees have fallen on some of the poorest countries in the world, like Malawi for example.

In sum, there is a disinclination by the major military powers to get involved in areas of conflict, a certain war-weariness by the neighbours of the countries in conflict, and a growing sense of public outrage at random violence for purposes which are not always very clearly understood. These, in combination, I think provide the political background against which new initiatives in this area are being taken.

I am hopeful that something will be done. Micro-disarmament is not so much a new item on the disarmament agenda as a process of consolidating under one item what has been hitting us in the face for several years. There are specific situations like Mali, where the subregional Powers are now willing to insulate the Tuareg rebellion from outside sources of procurement. Another is that the international community and member states have not waited for international action before taking some initiatives of their own.

When faced with new challenges, the United Nations as an Organisation sometimes finds itself at the receiving end of requests which member states should be carrying out themselves. In the area of micro-disarmament, however, member states have not waited for a general enunciation of global principles to deal with small arms. In South Africa, for example, tougher laws have been initiated to make sure that small arms and light weapons are not stolen from the armouries of the police and the security forces. Germany has a very well-established law not to supply weapons to areas of tension. Some consideration is being given in the academic community and among legislators to enact laws to require that every weapon produced carry a manufacture's mark, so that wherever a weapon ends up, it would be possible to trace it back to the owner.

Commonality of interest in breaking any linkage between illicit arms transfers, drugs and criminality is one area where concerted action is in the offing. One instance is that of subregional cooperation between authorities dealing with border controls and internal security forces.

Afghanistan, which belongs to an area that has the heaviest concentration of unaccounted light weapons has introduced a resolution in the General Assembly for several years asking that the major suppliers of weapons to former areas of tension during the Cold War be held accountable for retrieving those weapons. Then there are subregional initiatives such as those resulting in the bonfire of light weapons in Mali. It seems to me that the most reassuring aspect of the current situation in respect of small arms and light weapons proliferation is that member states have not waited for an international agreement on how to go about curbing it.

CONTROL AND COLLECTION OF LIGHT WEAPONS IN THE SAHEL-SAHARA SUBREGION: A MISSION REPORT

The legislative mandate of the Advisory Mission on the Control and Collection of Light Weapons in the Sahel-Sahara Subregion is found in the relevant paragraphs of General Assembly resolutions 40/151 H, on the provision of advisory services in arms control matters, and 46/36 H, on the provision of advice by the Secretary-General concerning the trade in illicit arms.

Historical Background

The President of Mali identified a problem with the proliferation of illicit small arms in his country, a problem that contributed in a major way to instability and violence there. He requested the Secretary-General to assist in defining the scope of the problem and identifying ways in which it could be alleviated. In essence, he wanted advice and assistance on how to collect and control those illicit small arms.

In response to that request, the Secretary-General conducted an in-house study that concluded that the problem was subregional, and that the most efficient and effective method was to approach it on that basis.

In the event, coordination with the States of the subregion proved difficult in the near term, and it was decided to carry out a pilot project in Mali, with the full intention of extending the programme in the subregion if that seemed feasible and worthwhile. Hence, the first phase of the mission was conducted in August 1994 in Mali. The second phase took place in February and March 1995 in the following countries: Burkina Faso, Chad, Cote d'Ivoire, Mauritania, Niger and Senegal. Let me add that Algeria, though participating in the discussions on the

project in New York, was not in a position to receive the mission at that time.

Field Work

The mission was led by Mr. Eteki Mboumoua, former Secretary-General of the OAU. It included staff from two offices of the United Nations Department of Political Affairs, the Centre for Disarmament Affairs and the Africa II Division, as well as the United Nations Regional Centre for Peace and Disarmament in Africa. It met with many sectors of the societies of the countries visited, with governmental and non-governmental organisations, with local United Nations agencies and with diplomatic representatives.

Central to the work of the mission was the preparation undertaken by the countries themselves. Some of the Governments provided in advance, as requested by the mission, a memorandum giving their assessment of the problem. Other relevant documents, for example, the “Pacte National” between the Government and the Tuareg people in the case of Mali, were provided as well.

Each Government established a national commission on the proliferation of small arms to, *inter alia*, act as the focal point for interaction with the mission. Each also provided facilities for meetings, interpretation services and ground and air transport within the country. Discussions were held with relevant ministers, such as, defence, interior, foreign affairs, and other senior officials. There were also courtesy visits to the heads of State or prime ministers, as appropriate, in most of the countries. These high-level meetings revealed the great concern of the Governments involved about the issue of small weapons and the importance the leaders attached to the search for solutions to the problem.

Method of Work

The mission examined the security situation in each country and the reasons for socio-economic unrest, the status of relevant legal documents, problems of refugees and internally displaced peoples, banditry and the phenomena of “auto-defence” or self-defence—all issues related to the proliferation of illicit small arms.

It tried to determine the scope of the problem through an examination of the situation concerning smuggling, thefts, illegal sales, misuse of traditional weapons and national legislation related to the foregoing.

It discussed the state of the security forces and the customs service in order to understand their roles and their capacity to carry out those roles.

It studied the current efforts being made by the Governments concerned to alleviate the situation, including measures undertaken in cooperation with neighbouring States, and the assistance being provided by donor States, the United Nations and its agencies, non-governmental organisations and others.

Findings and Recommendations

The Mission concluded that:

- There was indeed a problem with illicit small arms, but it was very difficult to quantify it owing to a lack of accurate information. Typical users and types of incidents were identified. Origins and sources were difficult to identify, but external sources were a major factor. National legislation was generally adequate but needed to be updated and enforced.
- Apart from Mauritania, where authorities stated that they had no problem relating to small arms and that their control measures and means were adequate, there was, generally, a lack of human and material resources within the Governments involved to help control the security situation. Human resource requirements revolved around better training and the payment of adequate compensation for tasks performed. Material resources include such items as computers, communication equipment, electronic-screening facilities at key entry points, and all terrain vehicles.
- The lack of security was fuelling the demand for weapons. The availability of weapons was fuelling the cycle of banditry and violence, which, in turn, was bringing structural development to a virtual halt and preventing any progress on socio-economic problems.
- Until this latter situation was redressed, there was little or no opportunity for the collection of small arms in these countries. On the other hand, it was possible for the mission to make a number of recommendations concerning the control of small arms.

Those measures of control necessary to create a climate allowing collection translate into the need for a “security-first” approach. At first glance, this may seem to be in contradiction to an arms control

exercise, but on closer examination a good case can be made for this method.

The concept of security-first relates to personal security, which, in turn, is essential to structural development. Provision of that personal security is a basic responsibility of Government. It follows that the Government must have the capacity to do that. Governments in the region are strapped for resources, have competing demands for those that do exist, and therefore need external assistance.

Security assistance is always a sensitive subject, no more so than in Africa at this time. It is important then to highlight two other conclusions of the mission:

- First, that security assistance in this context should not be confused with defence assistance. The assistance envisioned does not involve weaponry and the emphasis is on security forces other than the defence establishment, i.e., police, gendarmerie, national guard and customs.
- Second, that the assistance, from whatever source, needs oversight by a neutral authority.

Therefore, the mission made two sets of recommendations. The first comprised those actions that the Governments of the countries concerned might take on their own with minimal external assistance. The second comprises actions that might be taken or coordinated by the United Nations.

The recommendations to Governments include:

- (a) Improved internal controls and procedures.
- (b) Tightening of national legislation.
- (c) Better training for security forces.

The recommendations for the United Nations include:

- (a) Fostering a subregional approach.
- (b) Arrangements for monitoring and supervision.
- (c) Assistance in training, developing confidence-building measures, standardising legislation and customs procedures.

Regarding action by the United Nations, it will be clear that work needs to be done to obtain the resources to implement any recommendations. In that light, the intention is to:

- First, coordinate closely with the United Nations Development Programme (UNDP), whose mandate to assist in human security

and good governance might be the vehicle for the delivery of these recommendations. Coordination with UNDP headquarters in New York is already under way. For example, the Department of Political Affairs assisted the UNDP office in Bamako, Mali; in explaining to Mali's partners in development the necessity to fund security-related projects in the north of Mali where the armed rebellion took place.

- Second, interact with major donor States that are active, or wish to be active, in interested countries in the region, and solicit their support for this security-first approach. I should add that, following DPA's recent assistance to Mali which I have just mentioned, we have been solicited to carry out the same exercise in Niger, where an armed rebellion also took place.

The convening of a subregional workshop to confirm the conclusions and recommendations of the advisory mission is envisaged. That workshop could also offer the opportunity to explore the idea of a regional variant of the Register of Conventional Arms, a project linked in many ways to the core mandate for the mission.

Conclusion

In conclusion, this may seem a long way round to accomplish what seems, on the surface, to be a simple exercise in the collection and control of illicit small arms. I would like to mention two points in this context. When the mission met with President Konare at the end of their visit, he made the point that for a fraction of the money spent on the ongoing United Nations mission in Rwanda, security assistance now could prevent the spectre of such a calamity in his country. Hence, it cannot be gainsaid that "preventive" micro-disarmament is meaningful and relevant in the context of preventive diplomacy. Secondly, the experience of the United Nations in recent years has proven that new and innovative approaches are necessary. We believe this approach is worth the effort

DISARMING AND DEMOBILISING EX-COMBATANTS: IMPLEMENTING MICRO-DISARMAMENT

The reduction of the number of people employed by the armed forces and their reintegration into civilian life is important to the success of micro-disarmament. If this process is not well managed, demobilisation might actually increase uncontrolled access to small arms. The diversity

of demobilisation experiences among countries is very great, so it is difficult to generalise. For example, the relatively well-funded and managed demobilisation programmes of some NATO countries are quite different from the reduction of the newly-created armies of the former Soviet Union, or the demobilisation undertaken under United Nations peace-keeping operations in countries after protracted civil wars.

Reduction of Armed Forces

The total number of armed forces, worldwide, has declined considerably over the past decade. (The rising trend of the early 1980s continued, from 28.2 million in 1985 to a high of 29 million in 1987.) With the current downward trend, the number dropped to 24.1 million in 1994; thus the armed forces have been reduced by about one-sixth of their original personnel strength. These figures include only regular (governmental) forces. The reduction of opposition forces has been even more rapid.

Demobilisation may be the result of one or more of the following factors:

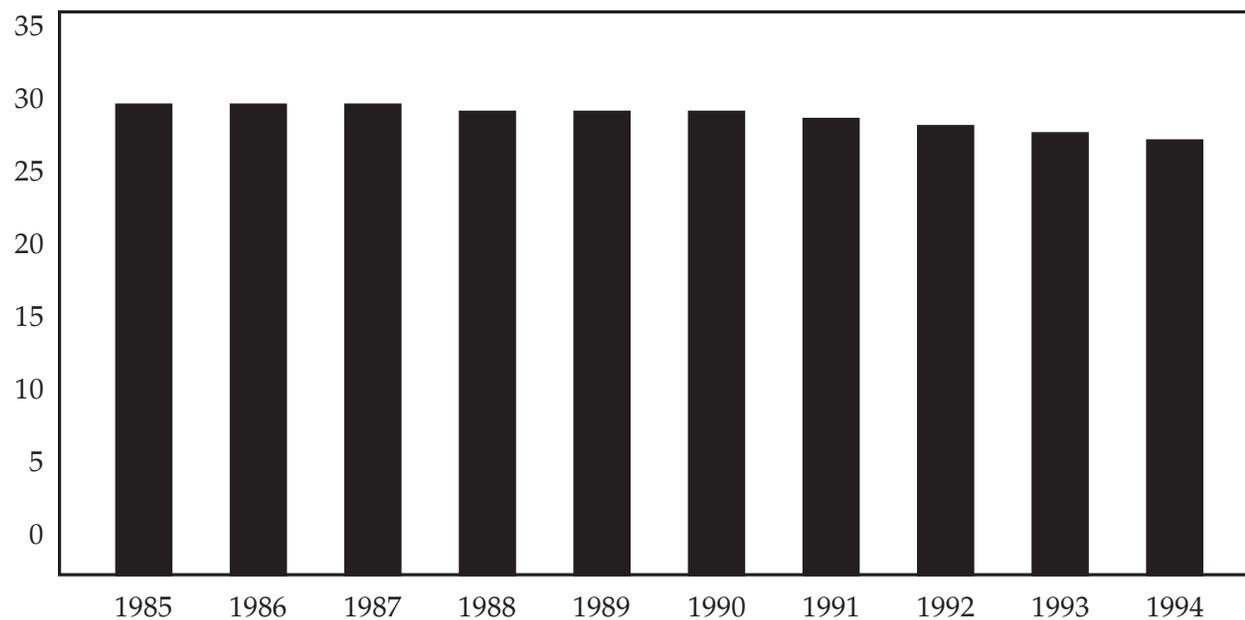
1. A multilateral, bilateral or national peace accord or disarmament agreement.
2. Defeat of one of the fighting parties.
3. Perceived improvement in the security situation.
4. Shortage of adequate funding.
5. Perceived economic and development impact of cuts.
6. Changing military technologies.

Disarming the Combatants

The following table of recent demobilisations in Africa and Central America illustrates that about one million soldiers and guerrilla forces have been demobilised during the 1990s in these regions, and more demobilisations are planned. In other countries in Asia and in other parts of Latin America, large numbers of ex-combatants have also been demobilised.

Most demobilisations in developing countries took place after an armed conflict, and often the United Nations was involved in mediating the peace accords and organising the demobilisation and disarmament. Disarming these combatants, as a rule, requires micro-disarmament. Furthermore, many weapons are "floating" around in the country or

ARMED FORCES OF THE WORLD (1985-1994) IN MILLION



(Note: Only Governmental Forces)

may be hidden. Micro-disarmament is an important issue and deserves high priority on the disarmament agenda. Ex-combatants usually carry light weapons, the weapons that are—according to the Secretary-General's *Supplement to An Agenda for Peace*—actually killing people in the hundreds of thousands.

RECENT DEMOBILISATIONS IN AFRICA AND CENTRAL AMERICA

Chad	15,000	soldiers 1992-1994
Eritrea	48,000	ex-fighters 1991-1994. 12,000 more planned
Ethiopia	500,000	of the defeated Mengistu army 1991; 22,000 OLF, 1992-1994
Mozambique	90,000	70,000 of the government and 20,000 of the Renamo forces 1992-1994
Namibia	43,000	including people fighting for South Africa 1989
Uganda	32,200	soldiers 1992-1994; 12,500 more planned
Angola	70,000	planned after unifying 160,000 FAA and UNITA forces
So. Africa	40,000	planned after formation of the new SANDF
Cuba	120,000	in early 1990s
El Salvador	38,000	government and FMLN 1992-1993
Haiti	7,000	all regular forces in 1994
Nicaragua	98,000	75,000 Sandinista soldiers and 23,000 Contras end of 1980s-1992

An essential prerequisite of successful post-conflict demobilisation is careful disarmament of the ex-combatants. If they are not properly disarmed and armouries are not well protected, banditry may be fuelled or arms may end up in the wrong hands. Often, ex-combatants have learned little else than using lethal force to solve problems as they perceive them. Disarming them is complicated since they may own more than one weapon. Although they may turn in one weapon, another may be hidden elsewhere. It has happened that former guerrillas picked up these weapons when reintegration failed or when political problems emerged again. Political conflicts and the inability of the Government to fulfil commitments made to the demobilised ex-combatants have caused the flare-up of conflict or led to rebellions.

In his 1992 *An Agenda for Peace*, the Secretary-General emphasised not only peace-keeping—an issue high on the international agenda today—but also spoke about “the critically related concept of post-conflict peace-building”. He emphasised that preventive diplomacy

sought to resolve disputes before conflict breaks out, while post-conflict peace-building could prevent the recurrence of violence. This is exactly where demobilisation and disarming of ex-combatants has its place. The outbreak of new wars, the emergence of new conflicts and rearmament can be prevented by converting military to civil structures and by disarming combatants. Demobilisation entails more than merely shifting people from military to civilian employment. The ex-combatants themselves are going through a personal process of adjustment, often losing a clear and predictable environment. They need counselling and economic support.

Transparency and precision with regard to arms collection, safe storage or on-the-spot destruction have proven to be crucial. The risk exists that arms may “disappear” and be transferred into areas of conflict. Stocks of weapons that have become surplus as a result of the end of conflict require special attention and initiatives to scrap or (in rare cases) convert them.

Typical Demobilisation Process

The figure below shows in a simplified way the phases that post-conflict demobilisation and disarmament usually go through. These phases are in reality often overlapping.

Lessons Learned

The experience of the past has shown what can go wrong when armed forces are demobilised and if they are not properly disarmed. At the same time experience has proved that demobilisation and disarmament of ex-combatants is essential to stability and to the sustainability of peace. Managing post-conflict demobilisation successfully depends on a number of conditions:

- Demobilisation and disarmament require a cessation of hostilities. Demobilisation and disarmament have little chance if one of the fighting parties is not fully supportive.
- Demobilisation and disarmament are facilitated by regional security and stability.
- Demobilisation rests on a credible central authority.
- Early planning is important. Armies might start to disintegrate before formal demobilisation is organised.
- Demobilisation is fostered by bringing all the combatants into a unified national force prior to demobilisation.

- Central assembly points are useful for disarming ex-combatants.
- If the living conditions in the encampments prior to demobilisation are poor, desertion of soldiers (with their weapons) might occur.
- If the encampment takes too long and the demobilised are left without information about their prospects, violent activities and rebellion could undermine the demobilisation and disarmament process.
- Failure to demobilise and disarm might endanger peace-keeping operations.
- Transparency with regard to arms collected is vital. Weapons should preferably be guarded by an external military presence.
- Disarmament must go beyond disarming individual soldiers and units to include national or regional disarmament.
- Appropriate ways of dealing with “surplus weapons” should be applied to avoid their transfer into areas of conflict.
- Financial support is essential.
- Reintegration of ex-combatants into civilian life helps to avoid a return to picking up the arms again.
- The post-conflict demobilisation itself is a complex and sensitive logistical exercise and usually conducted in a rather short period of time. The reintegration phase is a long-term process.

Support for demobilisation and disarmament of ex-combatants is a positive measure that helps to reduce the number of people under arms and to avoid the negative effects of excessive military spending. It is thus a useful contribution to disarmament and peace as well as to human development.

SURPLUS WEAPONS AND THE MICRO-DISARMAMENT PROCESS

The military confrontation between East and West ensured a steady increase of weapon stocks worldwide for decades. At the beginning of the 1990s, these stocks included massive amounts of major conventional weapons: military aircraft, tanks, artillery systems, warships and submarines, and an almost unfathomable number of light weapons and small arms. Since 1989 bilateral and multilateral disarmament agreements, as well as unilateral national decisions to reduce armed forces and weapons expenditure, have resulted in large quantities of

surplus weapons being generated within a short period of time. Additionally, many regional conflicts have been resolved and partial disarmament successes achieved.

The responsible disposition of this surplus is now one of the most urgent tasks for ensuring a peaceful future. Surplus weapons, those no longer considered by States to be essential to their armed forces, can create a whole series of international and internal security risks, as well as technical, economic and ecological obstacles to peaceful development.

This is especially true where there is a lack of governmental security structures and the weakening of the State's monopoly on the use of force.

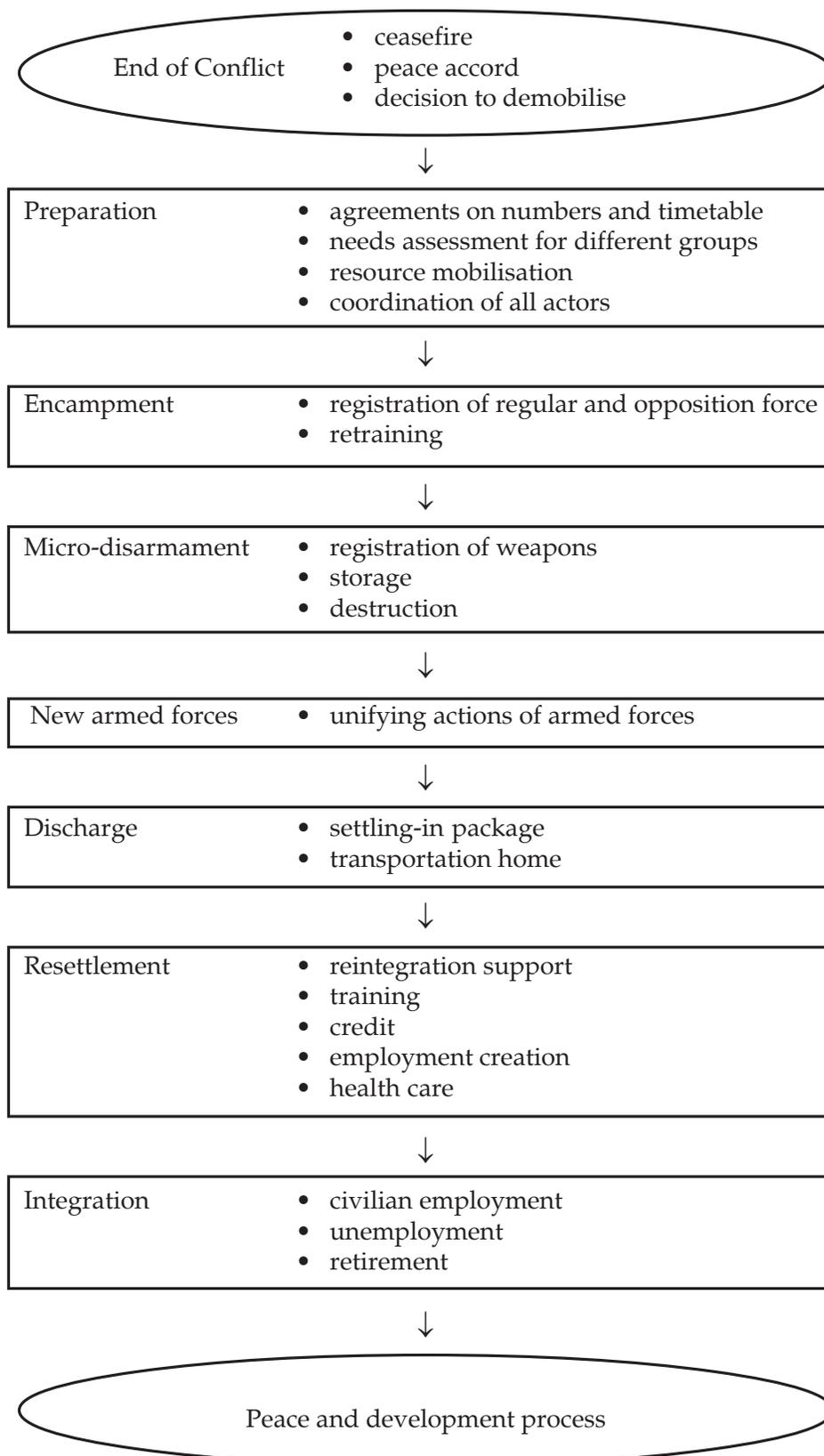
- Ex-combatants and soldiers can and do simply retain some of the weapons despite official peace treaties. The "arms build-up" in such societies generally leads to an increase in the willingness to use force in domestic conflicts (sometimes attributed to ethnic or religious factors) accompanied by the formation of gangs and a high crime rate.
- These surplus weapons are also offered for illegal sale, both nationally and internationally on the world market by private and governmental traders. This creates an inexhaustible source of reserves for regional conflicts, such as in Bosnia or other places. Consequently, a central task in producing a stable peace is to disarm parties previously at war and to collect existing surplus arsenals.

It is these two conditions that prompted the Secretary-General's call for action—micro-disarmament.

The Surplus in Light Weapons

Much of the attention given to surplus weapons relates to the disposition of large stocks of major conventional weapons such as tanks and aircraft. While some of this surplus is being absorbed in Europe, and some of it is being destroyed, a significant percentage of this surplus is being exported. But the concept of micro-disarmament does not apply to this situation. Rather, it is the surplus of light weapons or small arms which prompted the Secretary-General's concern. How is this category of weapon defined? One definition for these weapons are those which can be carried by an infantry soldier or perhaps a small vehicle or pack animal. Another definition focuses on those weapons which do not need elaborate logistical and maintenance capability, and can be employed by insurgent groups and paramilitary

THE PROCESS OF DEMOBILISING, DISARMING AND REINTEGRATING EX-COMBATANTS



formations. Whatever definition is used, an analysis of the weapons actually being used in conflicts around the world provide an empirical answer—hand guns, carbines, assault rifles, submachine guns, machine guns, rocket-propelled grenades, light antitank missiles, small calibre mortars, shoulder-fired anti-aircraft missiles and hand-placed mines.

In his January 1995 *Supplement to An Agenda for Peace*, the Secretary-General addressed four basic reasons for the accumulation of these types of weapons.

- Earlier supply during the Cold War.
- Internal conflicts.
- Competition for commercial markets.
- Criminal activity and the collapse of governmental law and order, giving an excuse for citizens to arm themselves.

In the developing world, such accumulations have taken place where postwar rebuilding is in progress, such as in El Salvador, Haiti, Nicaragua and Panama. In other parts of the world, such as Angola, Mali, Mozambique, South Africa and the Horn of Africa, there remains a surplus of light military equipment and small weapons that was created upon the settlement of various domestic conflicts.

Situation in El Salvador

In El Salvador, disarming the Farabundo Marti National Liberation Front (FMLN) insurgents and reducing the army were stipulated by the peace treaty of 1992 which ended the twelve-year civil war. Comprehensive demobilisation occurred under United Nations supervision, beginning with partial disarmament. More than 11,000 guerrillas surrendered approximately 10,000 handguns, rifles and automatic weapons such as M-16s and AK-47s, 74 missiles and over 9,000 grenades. These weapons were destroyed and a similar amount of weapons collected from those soldiers of the El Salvadoran army who were demobilised.

But several years after the civil war ended, it is now known that despite the successful peace process, not all of the weapons supplied to the FMLN and the Salvadoran army during the civil war were collected. The Salvadoran Defense Ministry, as well as the United Nations mission (MINUSAL), estimate that 200,000-300,000 military-style weapons remain in civilian hands and pose a serious threat to peace. Social and economic conditions also play a major role in producing the climate of violence present in El Salvador today. Close to 40,000 combatants were demobilised with the arrival of peace, the large majority

of whom have been unable to adapt themselves to the new climate of peace and reconstruction. The unemployment rate oscillates around 50 per cent.

Military weapons and poverty are proving to be a deadly combination. Thousands have taken up arms and formed criminal gangs responsible for the violence threatening to overwhelm the country. Disgruntled youths have formed United States-styled criminal gangs called *maras*, well-trained in the handling of military-style weapons, such as M-16s, AK-47s, M-3 hand grenades and RPG-2 rocket launchers. Their criminal activities include road blocks, bank robberies, bus robberies, street theft, kidnappings, extortions and street violence. These activities, when promulgated with military-style weapons, also result in injuries and death to innocent civilians. The authorities are extremely challenged, particularly the National Civilian Police (PNC), which expects to increase its ranks by 6,500 new recruits by July of 1996, doubling its present number. In addition, communities have begun forming neighbourhood watch groups to cooperate with the authorities in the fight against crime.

Senseless acts of violence have become commonplace. Hand grenades are a particularly critical problem, given that they are so available. They are commonly carried by many citizens in their pockets and on their belts, and increasingly are used to settle personal arguments, with devastating effect on the targets as well as innocent bystanders. Car theft using hand grenades is an everyday occurrence. Children are hurt or killed when playing with hand grenades. M-16 and AK-47 assault rifles are the weapon of choice for robberies and robbing buses, making public transportation less and less safe for citizens. Bus routes have been either shortened or eliminated.

Monsignor Fernando Saenz Lacalle, Archbishop of San Salvador, the Government of El Salvador, through the Defence Ministry, human rights activists and community leaders all concur that violence is the country's most pressing problem. In a recent poll of Salvadorans, over 80% of the civilian population considered crime and violence the most serious threat to peace and national security. The violence committed with these military weapons is apolitical and affects all sectors of the population of the country.

Gun Buy-Back Programmes as a Practical Method of Micro-Disarmament

What are the options for El Salvador in coping with these weapons so clearly responsible for crime and violence? The Government has

taken many responsible steps in this direction. In the aftermath of the civil war, new laws outlawed possession of military weapons and required all citizens to register handguns and personal weapons. A new police force was created, trained under United Nations supervision to ensure a force committed to helping all people of El Salvador. This new police force, the PNC referred to above, also received specialised training in searching for, confiscating and destroying the military-style weapons that have threatened national stability and the peace process itself. A special commission of parliamentarians was established to deal explicitly with the surplus weapons problem.

Despite these steps, the problem remains. It was in this environment that the El Salvadoran Government requested assistance from the United Nations. In the final report to the Security Council on ONUSAL, S/1995/220 dated 24 March 1995, the Secretary-General specifically noted in paragraph 12 that a new approach, gun buy-back programmes, might be considered for El Salvador. Buy-back programmes are those which seek to have citizens voluntarily turn in weapons based on amnesty – no questions asked, and a set of monetary or in-kind incentives.

“During this last mandate, ONUSAL’s remaining military observers have closely monitored the adoption and implementation of legislative and administrative measures taken to collect military weapons in the hands of civilians or State institutions. While a limited number of registered arms are still to be collected, the main problem lies with the unknown but large number of weapons of which there are no record. The Government has reported the seizing of approximately 2,000 such weapons since the beginning of 1995, but voluntary surrender has thus far been negligible. This is a matter for concern which should be addressed promptly. *Buyback programmes such as those used in Nicaragua and Haiti might be considered.*”

On 27 March 1995, researchers with the United Nations Centre for Disarmament Affairs (UNCDA) briefed ONUSAL and El Salvadoran governmental officials on the basic principles and experience of buy-back programmes as practiced in many American cities. Our study of these United States programmes, and the buy-back programmes conducted by the United States Army in Haiti, revealed certain key aspects.

- First, they must be conducted in conjunction with other social development programmes which address the basic causes of crime such as poverty and unemployment.
- Second, they must be conducted in parallel with other efforts

such as improving the capability of police, seizure programmes and building community involvement.

- Third, buy-back programmes have objectives in addition to the lessening of crime by reducing the weapons supply. To the extent that they decrease the availability of automatic weapons and items such as hand grenades, they reduce the lethality and collateral damage of crimes.

Additional objectives include promoting community solidarity, enhancing the legitimacy of local and national leadership, and focusing attention on the link between weapons availability and crime. Accomplishing these latter goals builds norms against crime, especially with military weapons, which in turn can enhance the actual turn-in of weapons later on.

Proposed Gun Buy-Back Programme in El Salvador

A tentative plan has been developed by UNCDA for a buy-back programme in El Salvador. It is based on initial meetings with ONUSAL and El Salvadoran governmental officials. The United Nations agencies to be involved have met (UNDP, UN/DPA and UNCDA), the El Salvador Mission to the United Nations has been briefed, and the draft plan forwarded to the Government of El Salvador. After receiving the briefing on gun buy-back programmes in March and the draft plan in August, the Government of El Salvador is considering this plan. The Government could make a formal request to commence formal planning for this programme under Assembly resolution 40/151 H, which concerns the provision of advisory services in the field of disarmament to member States if they so request.

Initially focusing on a buy-back of hand grenades in El Salvador might enhance the likelihood of success for several reasons. First, these weapons are purely military, left over from the war and not easily manufactured by criminals. Second, although there is a large number of them, the number is finite. Third, a programme based on bringing in hand grenades would not threaten law-abiding citizens who have guns for protection in light of the increasing crime problem. And finally, unlike handguns, decreasing the use of grenades, especially in an urban environment, has the humanitarian goal of lowering the number of innocent civilians wounded by these grenades.

In many countries experiencing problems with weapons and crime, the situation is not ripe for the buy-back approach. Even in El Salvador a buy-back programme will not solve the crime and violence problem. But previous experience shows that such programmes can contribute

in a vital way to energising the community to cooperate in eradicating this problem. The fact that such programmes are voluntary makes them particularly relevant for the United Nations. The United Nations effort in implementing the peace accords has put into place developing security structures that allow such an approach to proceed, assuming it is well-planned, funded and adapted for the situation in El Salvador. Furthermore, there is a consensus in El Salvador that it is time to take a first step in this direction.

El Salvador as the Typical Micro-Disarmament Case

The development of a plan to implement a buy-back programme, in El Salvador illustrates certain general criteria which should govern the involvement of the United Nations in micro-disarmament actions in general.

- It is clear to all parties that the surplus of weapons in the society is a major factor in the armed violence.
- The weapons causing these problems are military-style weapons not needed by law-abiding citizens for their personal security.
- The internal security forces of the country concerned are unable to collect these weapons or otherwise disarm those using these weapons to destabilise the country on their own.
- The internal security forces of the country are developed enough so that the United Nations can provide that marginal assistance which will allow these forces to conduct a disarmament campaign.
- The community and social structure of the country have the potential to organise so as to play a major role in working with internal security forces to combat the weapons and violence problem.
- The initiative for United Nations involvement in micro-disarmament actions lies with the member states, who are best suited to ascertain that the above criteria exist.

The number of countries in need of micro-disarmament continues to grow, especially in light of the attention brought to the problem by the Secretary-General. A buy-back programme in El Salvador may provide a prototype that can be applied to other situations, and put some teeth into the concept of micro-disarmament.

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JOINT APPEAL ON SMALL ARMS, ISSUED AT THE CONCLUSION OF THE FIRST REGIONAL WORKSHOP OF THE PANEL OF GOVERNMENTAL EXPERTS ON SMALL ARMS, HELD AT PRETORIA FROM 23 TO 25 SEPTEMBER 1996

1. We, the participants from Africa in the regional workshop held at Pretoria, voice our shared concern over the following consequences of the accumulation, proliferation and use of small arms:

- (a) Incidents of violence that claim the lives mostly of innocent civilians;
- (b) Acts of criminality ranging from poaching, cattle-rustling and armed robberies to hijacking and terrorism;
- (c) The corrosive impact on civil society by the creation of a vicious circle between an acuter sense of personal insecurity and a higher demand for small arms;
- (d) Competing claims on scarce resources for the provision of immediate relief and rehabilitation to victims of violence, and for investment in long-term socio-economic development;
- (e) The destabilising effect on the African region owing to the mass movement of internally displaced people and refugees fleeing from armed conflicts.

2. No single cause can fully explain the recent rise in incidents of violence and criminality resulting from the use of a category of weapons that has existed for decades, if not centuries. Several explanations can, however, be offered:

- (a) A period of transition from military regimes to democratisation, resulting in the easy availability of weapons hitherto belonging to military personnel;
- (b) A parallel process of state formation and political institution-building in societies experimenting with non-violent instruments of political change;
- (c) Demographic trends, with a larger number of younger people seeking economic opportunities and resorting to violence to gain attention and access to resources;
- (d) The successful culmination of national liberation movements, leaving behind arsenals of weapons readily available for purchase, resale and use by individuals and organised gangs motivated by personal profit or greed for power;
- (e) Collusion between some private arms dealers and profiteers from the illicit trade in drugs, precious stones and ivory.

3. We see our new democracies facing a twin threat arising from the uncontrolled accumulation, proliferation and use of small arms:

- (a) Spill-overs from neighbouring countries, particularly when there is ethnic affinity across national territorial frontiers and people uprooted through violent resort to the same in their efforts to obtain shelter;
- (b) The challenge of reintegrating former military personnel into civil society, especially when soldiers trained to fight a war find a common cause with rebels opposed to the establishment of democratic institutions.

4. A failure of the democratic experiment in Africa will not be just sad. It will be chaotic, as it may signify not a return of military regimes but a breakdown of the institution of the State. Believing that the best guarantee for fostering democratic institutions is to build up societal resistance to violence as an instrument of political change, we are ready to contain, control and discourage individual and group resort to small arms. Our porous geographical frontiers and ethnic affinities across national boundaries make it imperative that we adopt collective regional measures to:

- (a) Combat arms smuggling, money laundering, stock-stealing, poaching, drug trafficking, vehicle theft and illegal immigration;
- (b) Harmonise national legislation in order to ensure that criminals escaping from justice in a country with stringent laws do not find shelter in another country with lax regulations;

- (c) Standardise licensing procedures for the possession of arms in order to establish accountability;
- (d) Pool relevant intelligence information, police activity and customs controls in order to detect and apprehend the illicit transboundary movement of small arms;
- (e) Enter into agreements for extradition.

5. We are fully aware that concentration on small arms as the primary instruments of violence in our societies will not be sufficient unless we simultaneously address and resolve the causes of violence. We resolve to create a future of economic opportunity for our younger population, whose education and upbringing has been disrupted by protracted armed conflicts. We will work towards the integration, rather than the alienation, of former combatants and military personnel into civil society. To promote societal resistance to violence, we will rely even more upon our traditional customs of consensus-building.

6. We call upon research institutes and non-governmental organisations to join us in creating public awareness of the direct and indirect consequences of the accumulation, proliferation and use of small arms.

7. We urge the donor community to make provision in their developmental assistance policies for programmes to reintegrate demobilised military personnel into civil society.

8. We seek international expertise in training the trainers to establish vocational and professional institutes for our younger population.

9. We welcome recent initiatives by leading donors to integrate developmental assistance' with further support for democratic institutions.

10. We ask the United Nations to ensure that its post-conflict peace programmes include arrangements for the destruction and disposal of weapons and for the trade-off of weapons and equipment for gainful employment.

11. We request the Panel of Governmental Experts on Small Arms to give full consideration to this joint appeal in its deliberations and to append it to the report to be submitted to the General Assembly in pursuance of its resolution 50/70B.

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MICRO-DISARMAMENT IN THE REGIONAL CONTEXT

In his 1992 *An Agenda for Peace*, the Secretary-General of the United Nations emphasised the need to explore the conditions and instruments necessary for successful peacemaking and peace-keeping operations. Inevitably, the role of small arms, including land-munitions, in regional and internal conflicts would need to be forcefully addressed. Since that report, the Secretary-General has continued to attach importance to the issue of small arms in the context of international peace-keeping efforts. In his *Supplement to An Agenda for Peace* of January 1995, in which he used the term “micro-disarmament” for the first time, he stressed that “the assembly, control and disposal of weapons has been a central feature of most of the comprehensive peace settlements in which the United Nations has played a peace-keeping role.” This aspect was again highlighted in the Secretary-General’s 1995 “Report on the work of the Organisation”, where he discussed micro-disarmament in the immediate context of overall post-conflict peace-building activities. The report made it quite clear, however, that, all current efforts notwithstanding, more had to be done and more resources had to be invested if there was to be any prospect of success in this area.

Discussion on this matter, however, has just begun. In attempting to contribute to it, I am well aware that I shall probably raise more questions than present solutions. I shall, at least, try to clarify what it is we are considering.

The Dilemma of Light Weapons and Small Arms

During the Cold War, global security was confronted by the imminent threat of global nuclear—and continental conventional—war, in which masses of conventional forces with the most modern equipment and

capable of conducting far-ranging mobile operations would play the predominant role. Therefore, security politics was mainly concerned with maintaining international stability. Arms control efforts focused on balancing nuclear and major conventional weapons at reduced levels. Special attention was paid to conventional weapons that were inherently offensive, such as tanks, artillery, armoured infantry vehicles and fighter bombers.

The end of the Cold War made substantial progress in global and continental arms reductions possible, resulting in an improvement of historic significance in international security. However, in some regions, that did not lead to an improvement in stability. A tendency to resort to violence has been increasing, driven mainly by the forces of ethnic conflict and irresponsible nationalism.

It is of particular concern that in most armed conflicts irregular forces are involved. In many cases such forces do not conduct military operations in the classical sense, i.e., the seizure of military objectives through rapid mobile movements and concentration of fire and troops; instead, they seek to destabilise a State and to trigger mass emigration of opposing ethnic groups by resorting to widespread terrorism against the civilian population. Most forces of this kind are hardly equipped with the types of sophisticated weapons that were subject to arms control efforts during the Cold War. They use instead mainly light armament, often of a low technical standard. It is not nuclear weapons nor modern conventional technology, but rather light weapons, small arms and land-mines, which are—according to the Secretary-General's *Supplement*—"actually killing people in the hundreds of thousands". Often even the most basic of weapons—knives, spears and clubs—are used to do the maiming and killing.

Light weapons and small arms have not been subject so far to arms control arrangements either in the context of regional treaties, such as the treaty on Conventional Armed Forces in Europe (CFE), or as a category in the United Nations Register of Conventional Arms. A steady stream of illicit arms continues to flow across international borders, maintained by a seemingly inexhaustible world market. Even in cases where a political solution to an internal or subregional conflict has been found, problems relating to the disarming of rival armed groups and the restoration of common security often remain unresolved. Such problems are the seeds of renewed confrontation in the future. For instance, if the central authority is weak and security cannot be guaranteed, former combatants will tend to retain their weapons. A

situation like this might spill over into the civilian population, which will take security into their own hands by acquiring light arms.

If a peace accord is fragile or if the parties have failed to secure its long-term effectiveness by establishing regional and internal stability based on a military balance at drastically reduced levels and other confidence-and security-building measures, rival factions will retain their weapons and prepare for resumption of hostilities in the future.

After years of war and violence, it is not an easy task to reintegrate soldiers into civilian life. Often from childhood they have learned nothing but to kill and destroy; they lack the skills necessary for civilian life. If, at the same time, the national economy is weak, they have no other prospect than unemployment and poverty.

Unfortunately also, after the cessation of hostilities, a country is often faced with the long-term remnants of the previous war. Thousands of land-mines may infest vast areas of the country and continue to kill and maim, to hamper reconstruction efforts and to paralyse supplies, communications and agriculture.

Measures to Facilitate Micro-Disarmament Efforts

This brief survey of the matter underscores the wide scope of micro-disarmament. Far more is involved than just adding another category of weapons to the United Nations Register, although in my view that might be a valuable measure to increase transparency in arms transfers. Micro-disarmament should be part of a comprehensive approach. It means removing war *materiel* in order to prevent hostilities from resuming. It also involves demobilising and disarming warring factions, giving particular attention to light weapons and small arms. It would be greatly facilitated by the adoption of appropriate national and international measures, among which I suggest the following: (a) curbing the illicit arms trade, (b) securing internal and subregional stability and (c) disarming ex-combatants and reintegrating them into civilian life.

Without claiming completeness, I would like to share with you some thoughts on these aspects, which point to the deep complexity of the issue and cry out for more thorough study and consideration.

Curbing the Illicit Arms Trade

Without an effective regime to curb the illicit arms trade, warring factions will always be able to obtain the weapons and ammunition

they need to continue fighting. Among the effective national and international measures required, the following need to be considered:

- States could renounce the sale of arms to areas of tension and potential conflict. Here the emphasis is on supply-side restraint. Appropriate restrictions under national law, such as the very rigorous control regime of my own country, would seem to be a useful tool.
- National self-restraint could be supplemented by international border controls when the situation requires.
- International assistance to national security forces and border guards of countries particularly concerned might be envisaged in order to strengthen their capabilities.

In the latter case, however, it should be stressed that the international community would not wish to support a country whose political system is not committed to human rights and to protecting its ethnic minorities, and which misuses its security forces to suppress its people. Furthermore, unconditional assistance to national security forces might result in another—this time legal—influx of light weapons, small arms and land-mines.

International cooperation on a regional basis would seem to be of particular value in dealing with the illicit arms trade and holds promise of positive results. In fact, it is a *conditio sine qua non* for “drying up” subregional conflict and internal violence. For that reason, I am extremely gratified that this question is being given special attention by the United Nations Disarmament Commission, which is now considering a set of guidelines focusing on illicit arms transfers.

Securing Internal and Subregional Stability

A peace accord that removes the underlying motives for resuming hostilities is a crucial precondition for an effective micro-disarmament process. There are several aspects:

- Peace must be based on the observance of human rights, protection of minorities and democratic participation of people, including, as far as possible, all formerly competing factions.
- A central authority that commands broad support with balanced participation of former adversaries should be created.
- The provisions of the peace accord should be guaranteed through international commitments, including peace-keeping operations

made of composite forces under the auspices of the United Nations. Such forces could play a crucial role in keeping warring factions separated, restoring peace and security and helping to organise the disarming of rival forces and the creation of a unified security force. If the composite peace-keeping force is not regarded by all parties as able and willing to restore internal security and order and to ensure the implementation of the agreed peace provisions, any attempt to convince factions to turn in weapons will fail. It is, therefore, important that United Nations Security Council mandates are clear and feasible and, wherever necessary, robust enough to enhance the efforts by international forces in this field.

- Measures to cope with the internal security situation would be incomplete without an appropriate arms control regime that aims at subregional stability through the establishment of a balance of forces at reduced levels. Such a regime would help to prevent neighbouring Powers from establishing regional dominance. To secure its effectiveness it must include a strict verification regime. A subregional arms control regime has to be supported by international commitments.

Securing regional stability and establishing force balance through appropriate arms control agreements is a field in which regional cooperation is absolutely essential to the internal stability of a nation emerging from conflict.

Disarming Ex-Combatants and Reintegrating them into Civilian Life

Having dealt with the political preconditions for encouraging warring factions to surrender weapons, attention should also be paid to the motivation of the individual soldier to do so. Ex-combatants must be convinced that restoration of internal security will be achieved by the new central authority with international backing. That would include the capability of the authority to curb banditry, to enforce the disarmament of resistant groups if necessary, and to eliminate the dangerous remnants of war, with special emphasis on demining.

Why should a former combatant be willing to turn in weapons if he is not offered a realistic prospect of a future civilian life under humane conditions? In this respect, poverty and arms have always proved to be an explosive mixture. Giving former soldiers appropriate training to learn new skills in order to get a firm footing in civilian life is as important as disarming them of their light weapons. Such training,

moreover, would be incomplete if it were not embedded in an overall effort to rebuild the infrastructure, restore the national economy, create or recreate a “social net” and fight unemployment. In most cases, no doubt, this attempt would be doomed to failure without international commitment in the framework of peace-building. Not only is regional cooperation required to solve the problem within the area that suffered under the war, but it is also in the self-interest of neighbouring States to prevent social unrest and violence from spilling over boundaries.

After an initial separation of the former adversaries, the establishment of training centres would appear to be useful. There, humane living conditions are crucial. “Gun buy-back” policies might also give further incentives to the warring factions to turn in weapons. Those centres would serve three purposes: (a) collection and controlled destruction of weapons, (b) training ex-combatants in civilian skills and (c) establishing a combined and unified central security force under international auspices.

Safeguarding the turned-in weapons and securing transparency in arms reductions, preferably by destruction, are crucial as well. Otherwise, efforts would lose credibility, the peace process could rapidly deteriorate and the regional balance might be jeopardised by a new, uncontrolled flow of weapons into areas of actual or potential conflict.

I should also like to raise one other point. The measures that I have outlined might not resolve all the problems associated with micro-disarmament. I wouldn’t want to paint an overly optimistic picture. There is always a risk of failure. Groups might remain belligerent and refuse to join the process. In that case consideration would have to be given to enforcing disarmament measures.

Conclusion

I should like to emphasise that micro-disarmament is more complex an issue than just posing the question of how to organise the collection of light weapons and small arms. Its success depends on the effective implementation and verification of a comprehensive approach of which it is a part. The goal of putting an end to the inhumane suffering of hundreds of thousands of innocent people should encourage the international community to study the problem further and, as soon as possible, formulate a sound conceptual approach and bring to bear the political will to implement it.

LAND-MINES: FROM GLOBAL NEGOTIATIONS TO NATIONAL AND REGIONAL INITIATIVES

Maria is a three-year-old Mozambican child, found chained to a tree outside her hut. A case of parental cruelty? No, a case of a mother's protective love. Maria lives near a minefield and her mother must chain her to a tree when she goes off for the day to find water and firewood. Unfortunately, her mother stepped on a mine far from medical help and never returned.

One fine day in 1992, Amina, a thirteen-year-old Somali child, went to the river to fetch water in the same place she had gone every day. But that day it had rained in the mountains, and the waters carried down with them mines that had been laid upstream. She stepped on a mine on the river bank, which had been safe only the day before; her leg was shattered and had to be amputated by an ICRC surgeon. The mine which struck Amina was laid fifteen years earlier, in 1977-1978, when Somalia and Ethiopia were at war and mined the mountains separating the two countries.

Sixty-five-year old You Eng, a Cambodian grandfather, tells this story: "I was asleep in front of the house when I was awakened by the sound of an explosion and my son's voice calling for help. My grandson was lying in the road, his left leg shattered by the mine blast. My son ran off to seek help. I was there looking at the child, who was writhing in pain, and I took him into my arms. When I started to get up I lost my balance a little and my right foot hit something. My right leg was amputated at mid-thigh. My grandson's left leg was cut off a little higher up. A few years ago my elder son and my daughter-in-law were killed by mines. Now I can no longer feed my family and this makes me ashamed."

The Role of the ICRC

The International Committee of the Red Cross (ICRC), through its field operations in conflict zones on four continents, has been a direct witness to the land-mine carnage. The tragedies above are just a fraction of those we confront each month. And our experience is but faint reflection of the land-mine legacy which is claiming the lives and livelihoods of some 2,000 victims each and every month.

Our doctors and nurses every single day have to look into the eyes of children writhing in pain from a limb turned into a bloody tangle of blood, dirt, plastic bits, bone fragments and flesh. Eyes which ask us, "Why? Why? Why?"; to which we have no answer.

Land-mine injuries are among the most horrific known to our war surgeons. They require more units of blood, longer hospital stays, more surgical interventions and far more resources than most other injuries. They also require lifetime prosthetic care and rehabilitation—which is often not available. And those who reach medical care are the lucky ones; just as many are estimated to die—often alone, like Maria’s mother—at the site of their injury.

Given its mandate to care for and protect the victims of war, the ICRC would be negligent if it did not act. On the operational level we have made intensive efforts to develop effective surgical techniques for mine victims and to expand prosthetic and rehabilitative care. In 1995 alone, the ICRC’s 33 prosthetics programmes fitted nearly 8,000 amputees and manufactured some 11,000 prosthesis. Over the past decade, we have treated over 30,000 mine victims and cooperated with local and national medical personnel to assist many times that number. We are currently running mine awareness programmes for civilian populations in Afghanistan, Azerbaijan, Bosnia-Herzegovina, Georgia, Nicaragua and Somalia.

On the political level, the ICRC conducted extensive consultations in 1993 (including the Montreux Symposium) with military commanders, industry officials, diplomats, and legal and medical experts. By early 1994 we were convinced that the only effective solution was the total prohibition of anti-personnel (AP) mines.

It is extremely rare for the ICRC to call for the total prohibition of a weapon. Before the end of hostilities in 1918, the Committee had referred in these terms to the scourge of poison gas: “We protest with all the force at our command against such warfare, which can only be called criminal.” In 1921 the ICRC wrote to the League of Nations calling for the “absolute prohibition of the use of asphyxiating gas, a cruel and barbarous weapon which inflicts terrible suffering upon its victims.” The call did not go unheeded. In 1925, during a League conference on the control of the international trade in weapons, Governments adopted the Geneva Protocol outlawing this form of warfare.

We now again appeal to the international community to outlaw AP land-mines—a weapon which is indiscriminate and out of control. In our view, this weapon is too cheap, too small and too difficult to use according to international humanitarian law to be controlled by means short of an absolute prohibition.

AP mines must not only be outlawed, their use must be stigmatised, so that whatever their understanding of the law, combatants will choose not to use them.

And finally, mine-infested regions must be cleared. Here I would like to pay tribute to the determination and courage of thousands of men and women around the world who put their own lives at risk each day in clearance operations. These operations deserve greatly expanded support, through both the United Nations Voluntary Fund for Mine Clearance and bilateral arrangements.

Review Conference of the Convention on Certain Conventional Weapons (CCW)

Since 1994, the ICRC has had the privilege, in keeping with its mandate as guardian of international humanitarian law, to participate in the preparatory process and meetings of the Review Conference of the States Parties to the CCWC, which ended on 3 May. The ICRC contributed official background documentation, analysis of weaknesses of existing Protocol II and proposals for strengthening it. We were grateful for the invitation of the Secretary-General and of States parties to be able to participate in this important process.

The ICRC warmly welcomes a number of important improvements in the amended Protocol, including in particular:

- (a) Extension of the Protocol to apply in both international and non-international armed conflicts.
- (b) Clear assignment of responsibility for mine clearance to those who lay the mines.
- (c) A requirement that the location of all mines be mapped and recorded.
- (d) New protection for ICRC and other humanitarian workers.
- (e) A prohibition on the transfer of non-detectable AP land-mines.
- (d) A requirement that States enact penal legislation to punish serious violations of the Protocol.
- (g) Annual consultations among parties to the Protocol to review its operation.

Unfortunately, the new limitations on the use of AP mines are weak and could even lead to an increase in the overall use of those weapons. The existing general restriction against “directing” mines against civilians is, in our view, not enough—particularly as mines cannot be “directed” or aimed.

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- (a) Long-lived AP mines may continue to be produced, transferred and used—if placed in fenced, marked and guarded minefields. However, an exception was introduced which waives this requirement in cases of “enemy military action”.
 - (b) Self-destructing mines may be used without any specific restrictions on their placement. Since such mines can be remotely delivered over long distances and in huge quantities by artillery or aircraft, their use could lead to an increase in civilian mine casualties.
 - (c) All AP mines used must be detectable so as to facilitate mine clearance.

However, it is appalling that parties are not required to implement these provisions on use until nine years after entry into force of the revised Protocol, which probably means by 2007 or 2008. By that time, we expect that mines will have claimed more than 200,000 new victims—unless far more is done than required by the law.

The revised Protocol places no new restrictions on the use of anti-tank or vehicle mines which, although used on a smaller scale than AP mines, are just as indiscriminate. These mines may continue to be used even if they are not detectable; neither their placement nor maximum lifetime are specifically controlled. These mines directly threaten operations of the ICRC and other humanitarian agencies whose personnel must daily risk their lives in bringing assistance to war victims. When they force us to send provisions by air, they increase our costs by up to 25 times.

Although the ICRC welcomes the improvements in the protocol’s general provisions it is deeply disappointed in:

- (a) The weak restrictions on the use of AP mines and the lack of specific restrictions on anti-tank mines.
- (b) The excessively long “transition period” for implementation of key provisions.
- (c) The absence of a mechanism to verify the fulfilment of technical requirements for self-destructing mines and to investigate possible violations of the restrictions on use.

Given these weaknesses, largely due to the need to adopt the revised Protocol by consensus, the new Protocol, in and of itself, is unlikely to lead to a significant reduction in the level of civilian land-mine casualties.

The ICRC is concerned that the complex technical provisions for the use of various types of mines will not be implemented in the type of conflicts where most recent mine-use has occurred: internal conflicts involving poorly trained and equipped forces which may be unable or unwilling to abide by a complex set of rules or to pay an increased price for self-destructing mines.

The disappointing results of the Review Conference have reinforced the ICRC's view that only the stigmatisation, prohibition and elimination of AP mines will put an end to the humanitarian scourge they have caused.

The ICRC will encourage States to adhere to the revised protocol II in order to reinforce the minimum international legal norms which apply when mines are used. However, these norms do not oblige States to use mines or to invest in new mine types. We will therefore encourage States to go far beyond their minimum legal obligations and to renounce the production, transfer and use of AP mines on the basis of:

- (a) Their broader moral and humanitarian responsibilities.
- (b) The indiscriminate nature of the weapon.
- (c) The conclusions of a wide range of acting and former military commanders that the use of AP mines in accordance with law and doctrine is difficult, if not impossible, even for modern professional armies.
- (d) A judgement that the limited military value of AP mines is far outweighed by their human, economic and social costs.

Towards Elimination

The ICRC, together with the entire International Movement of the Red Cross and Red Crescent, will continue efforts to inform the public, military circles and decision-makers about the human tragedy caused by land-mines and to achieve the stigmatisation of AP mines in the public conscience. The goal will be to ensure that, even before a legal ban is in place, combatants will choose not to use AP mines due to the abhorrence of their own societies of their effects and that producing countries will choose neither to produce or transfer these pernicious weapons.

We also suggest the following short-term agenda towards the goal of the elimination of AP mines, now endorsed in several resolutions of the United Nations General Assembly:

National and Regional Initiatives

The end of the land-mines crisis need not await a globally negotiated consensus. National Governments and regional or subregional organisations can decide to end the crisis in their own territories and thus contribute to a global solution. The 25 States which have renounced the use of AP mines by their own forces and the 11 which are destroying their stockpiles have begun the process of freeing the world from the menace of these arms. Such actions should be seen as a means of protecting one's own population and territory should conflict occur.

When a critical mass of States have taken such steps, a de facto ban will have been achieved; a legal ban may follow as State practice regarding mines changes.

We welcome the resolution adopted in June by the Organisation of American States (OAS) that called for the establishment of an "AP Mine Free Zone" in the Americas. A similar initiative of the Central American Parliament, in which national renunciation of AP mines is combined with increased assistance for mine-clearance and victim assistance, could make Central America the first mine-infested region to free itself from this scourge.

In February 1996 the Council of Ministers of the Organisation of African Unity (OAU) called on subregional organisations on the continent to launch initiatives for the prohibition of AP mines in support of the OAU's previous commitment to a total ban.

Although this type of initiative has not yet reached the governmental level in Europe, the European Parliament, on 13 May, called on all member states to unilaterally ban the production and use of AP mines and to destroy existing stocks. The Council of Europe Parliamentary Assembly, in April of this year, also supported the total prohibition of these weapons. The Interparliamentary Union, representing parliaments around the world, had already supported a ban in 1995, and more recently sent an appeal signed by some 250 of its members to the President of the CCW Review Conference. In December 1995, the Conference of Foreign Ministers of the Organisation of the Islamic Conference appealed for the "complete elimination" of AP mines. We believe that the political basis for far-reaching international action has been established and that the time is ripe for concrete actions on the national and regional levels.

International Initiatives

We are also encouraged that Canada will host a international conference in Ottawa in autumn 1996 to bring together the more than

forty States which support a global ban on AP mines to consider short- and medium-term steps they will take towards this end. As the first international meeting of pro-ban States, the meeting could significantly increase momentum towards a global ban and promote the types of national and regional measures mentioned above. We also believe it is essential to integrate, on a political level, efforts towards a ban with measures to stop transfers and to provide assistance in mine clearance. We also hope this will be the first of a regular programme of intergovernmental meetings in the coming years which will actively pursue the international community's goal of an AP mine-free world.

Negotiations for a Legal Ban

Although it is essential to continue building support for a future global legal ban on AP mines, it is our view that it would be premature to begin, already now, any new global negotiations before political and regional efforts have a chance to mature. Given that recent negotiations by consensus on new legal restraints produced only minimal results, the ICRC is concerned that new negotiations, particularly if conducted on the basis of consensus, would lead to disappointing results and could even divert attention from the dialogue needed nationally and regionally, as well as between political and military circles, on how progress can best be achieved.

Military Utility

Progress in international humanitarian law results from an ongoing dialogue between military imperatives and humanitarian concerns. The ICRC sought to launch such a dialogue on the issue of AP mines through the publication, in March 1996, of a study on the actual use and effectiveness of these weapons in conflicts since the Second World War. One of the surprising findings was the lack of previous studies, even in military circles, of the use of AP mines, as used in actual combat. The ICRC will seek to broaden and deepen the dialogue with military organisations on this issue and would welcome collaboration with other appropriate bodies in this effort.

Increased Assistance to Mine Victims

Currently only a small proportion, estimated at 15 per cent of mine victims, have access to rehabilitative programmes. Greatly expanded resources to provide both emergency medical treatment, blood transfusion services and lifetime prosthetics care to victims would be needed, even if mine use were stopped immediately. National and

international agencies must be encouraged to increase support for these essential efforts through bilateral arrangements and through assistance to humanitarian agencies—including the ICRC and National Red Cross and Red Crescent Societies.

Enhanced Mine Clearance Efforts

In 1995, the United Nations requested \$75 million for mine-clearance funding but received only \$20 million; this compared to an estimated \$33 billion required to clear all currently emplaced mines. A massive and long-term international effort is needed if future generations are to be spared paying the price for today's land-mine legacy.

Mine-clearance, as witnessed in El Salvador, can also become a cooperative and reconciling endeavour among former parties to a conflict. Cooperative efforts among countries in mine-affected regions might also help provide substantial benefits to the regions concerned.

The Broader Context

The land-mine issue is but a part of a phenomenon of increasing concern to the ICRC: the virtually unrestricted flow of vast quantities of weapons, particularly small arms, throughout the world and their consistent use in flagrant violation of the norms of international humanitarian law. In recent decades, the ICRC has witnessed an appalling spread of small arms, like a cancer, into almost every corner of the world and to groups, including children, which would never before have had access to them. If this trend continues unabated, all of the efforts of the international community and of the ICRC to teach respect for humanitarian law will be insufficient. They will be literally overwhelmed by the flow of arms; it is far easier and far faster to distribute weapons than to disseminate humanitarian law principles to those who possess them.

The ICRC is increasingly convinced that the transfer of arms is a humanitarian law issue. In the coming year we intend to launch a study, as requested by the XXVIth International Conference of the Red Cross and Red Crescent, on the relationship between arms availability and violations of humanitarian law and to initiate a process of dialogue on the issue within the Red Cross and Red Crescent Movement.

Conclusion

Whether the issue is mines, small arms or blinding laser weapons, the core issue is the same: whether humanity's moral and humanitarian

instincts can control its worst instincts and growing destructive capacities. This will be one of the greatest challenges of the coming millennium. In fact, it may even be the decisive challenge of the future.

The outpouring of public concern on the land-mines issue in recent years, as well as the dramatic response of many governments, gives reason for hope. So also does the prohibition of blinding laser weapons, which represents only the second time in history that a weapon has been prohibited before its horrors were witnessed on the battlefield.

We also draw encouragement from the historic effort in which so many have been personally engaged: the achievement of global agreements outlawing biological and chemical weapons and ongoing efforts to put the nuclear genie back in the bottle.

These successes and the whole history of humanitarian law are proof that humanity is not impotent in the face of its worst instincts or the destructive uses of modern technology. Those involved in arms control negotiations and in positions of public responsibility concerning the use of mines and other weapons are not just "doing a job". They are handling matters of life and death for countless millions of voiceless people in every corner of the globe. They are at the cutting edge of humanity's struggle for survival.

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STATEMENT ON SMALL ARMS, ISSUED AT THE CONCLUSION OF THE SECOND REGIONAL WORKSHOP OF THE PANEL OF GOVERNMENTAL EXPERTS ON SMALL ARMS, HELD AT SAN SALVADOR, ON 16 AND 17 JANUARY 1997

1. We, the invitees to the second regional workshop of the Panel of Governmental Experts on Small Arms:

- (a) Associate ourselves with the joint appeal on small arms, issued at the first regional workshop, held at Pretoria in September 1996;
- (b) Share the concerns over the incidence of increased violence and acts of criminality resulting from the illegal accumulation and use of small arms by individuals and groups.

2. The countries of the Central American region are undergoing a unique experience. Weapons are not manufactured in the region itself but small arms of every conceivable variety are readily available, cheap to buy, easy to conceal and frequently change hands in the region. The geographical location of the region makes it a convenient and much frequented route for the illicit arms trade. Established networks of highly organised gangs dealing in narcotics and weaponry have made the region a favourite haven for money laundering and the investment of drug profits.

3. Arms by themselves do not cause violent conflict. It is economic and social inequities which generate violence. The easy availability of arms, however, undoubtedly affects the intensity, frequency and duration of violence.

4. For decades, the unorganised majority of the civilian population in the region became victim to violence by an organised minority. The region lost hundreds of thousands of human lives and millions of people were displaced.

5. A first step towards reversing the havoc inflicted on the region was the successful conclusion of peace agreements. Ceasefires cannot guarantee lasting peace unless they are accompanied by a determined effort to ensure that the huge surpluses of weapons circulating in the region do not fall into the hands of criminal elements.

6. The process of democratisation and demilitarisation of the region is by now fairly well established. But the social and political frictions which generated wars in the past are far from being resolved.

7. The countries of the region are now ready to put violent strife behind them and look ahead to an era of uninterrupted peace and prosperity. Now is the time to heal, to rebuild and to rehabilitate. Now is the time to address the underlying causes of the recurring resort to violence. Now is the time to create opportunities for the fullest realisation of the most valuable asset of the region, its human resources. Now is the time to reintegrate the former combatants into civil society.

8. We invite the members of the Panel of Governmental Experts on Small Arms to join the efforts of the region to implement programmes for the collection of weapons and develop other initiatives for the gainful employment of former combatants.

9. We urge the United Nations to launch a worldwide campaign to mobilise public opinion and build societal resistance to violence and the proliferation of small arms.

10. We call upon the international community to fully support the implementation and verification of the firm and lasting peace agreement of Guatemala of 29 December 1996.

11. We support a continuation of the dialogue and exchange of experiences between and among regions faced with the tasks of post-conflict peace-building, reintegration of former combatants and immediate measures to curb the accumulation and use of small arms.

12. We commit ourselves to the creation and strengthening of programmes for education for peace and non-violence.

13. We request the members of the Panel to include the present statement in its entirety in the report of the Secretary-General to be

submitted to the General Assembly in pursuance of its resolution 50/70 B.

(Signed)

Dr. Daniel Garcia-Pena Jaramillo,
Special Advisor to the President
of the Republic of Colombia

Ambassador Ricardo Castaneda-Cornejo,
Permanent Representative of
El Salvador to the United Nations

Ambassador Fabiola Fuente,
Deputy Permanent Representative of
Guatemala to the United Nations

Dr. Angel Antonio Comte Cojulun,
Director-General of National Police of Guatemala

Lieutenant Colonel Nestor Ogilvie,
Chairman, Association of Caribbean
Commissioners of Police, Grenada

Dr. Mario Castellon Duarte,
Minister Counsellor, Permanent Mission
of Nicaragua to the United Nations

Dr. Alejandro Bendana,
Director, Centre for International
Studies, Nicaragua

Dr. Carlos Augusto Herrera Rodriguez,
Superior Public Attorney of the
Republic of Panama, Panama.

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SMALL ARMS AND LIGHT WEAPONS

INTRODUCTION

The General Assembly, in paragraph 1 of resolution 50/70 B of 12 December 1995, entitled "Small arms", requested the Secretary-General to prepare, with the assistance of a group of qualified governmental experts, a report on:

- (a) The types of small arms and light weapons actually being used in conflicts being dealt with by the United Nations;
- (b) The nature and causes of the excessive and destabilising accumulation and transfer of small arms and light weapons, including their illicit production and trade;
- (c) The ways and means to prevent and reduce the excessive and destabilising accumulation and transfer of small arms and light weapons, in particular as they cause or exacerbate conflict.

In paragraph 2 of the resolution, the Secretary-General was requested to seek the views and proposals of member states, to collect all other relevant information and make them available for consideration by the panel of governmental experts. The Assembly also requested the Secretary-General, in the preparation of the report, to pay particular attention to the role of the United Nations in this field and to the complementary role of regional organisations.

In April 1996, the Secretary-General appointed, on the basis of equitable geographical representation, a panel of governmental experts from 16 countries: Belarus, Belgium, Canada, Colombia, Egypt, El Salvador, Finland, Germany, the Islamic Republic of Iran, Japan, Malaysia, Mali, the Russian Federation, South Africa, Sri Lanka and the United States of America.

The Panel held three sessions in New York, from 24 to 28 June 1996, from 20 to 31 January 1997 and from 7 to 18 July 1997. The Panel also met at Tokyo from 26 to 28 May 1997, at the invitation of the Government of Japan

The Panel took account of the replies received from member states in response to Assembly resolution 50/70 B. It reviewed the conclusions and findings of other United Nations bodies and groups concerned with issues related to small arms, within their areas of jurisdiction. It assessed the relevant information collected by the Secretariat from the research community. It heard presentations by scholars and other invitees on the subjects covered by paragraph 1 of Assembly resolution 50/70 B.

The mandate entrusted to the Panel was carried out without prejudice to the positions taken by member states on, or the importance allocated by them to, the priorities accorded to nuclear disarmament, weapons of mass destruction and conventional disarmament. Anti-personnel landmines constitute a category of small arms and light weapons. The issue is, however, being addressed in other forums. The Panel, therefore, agreed to avoid duplication of effort and different approaches by excluding anti-personnel landmines from its deliberations.

In accordance with paragraph 1 (c) of Assembly resolution 50/70 B, the Panel concentrated its attention on the actual role of small arms and light weapons in exacerbating armed conflicts being dealt with by the United Nations.

The Panel decided to focus its attention on small arms and light weapons manufactured to military specifications, in view of the work currently being undertaken by the Commission on Crime Prevention and Criminal Justice on firearm regulation for the purpose of crime prevention and public health and safety. Duplication of United Nations efforts should be avoided as much as possible. The Chairman of the Commission's Expert Group on Firearm Regulation, Mr. James Hayes, briefed the Panel on the work of the Commission on 8 July 1997. The Panel endorses the draft resolution recommended by the Commission for adoption by the Economic and Social Council, entitled "Firearm regulation for the purpose of crime prevention and public health and safety."

To gain a better insight and clearer understanding of the problems created by the accumulation, proliferation and use of small arms in various regions, the Panel agreed to undertake inter-sessional work.

As a result, the Panel organised three regional workshops to discuss the characteristics unique to each region and areas of common concern. The information collected at the workshops provided a major input to the preparation of the present report.

The first regional workshop was held at Pretoria, from 23 to 25 September 1996. It was financed from a voluntary contribution made by the Government of Japan. Logistical and administrative support was provided by the Department of Foreign Affairs of South Africa. Persons invited to participate in the workshop included those from the International Commission of Inquiry (Rwanda) and the Advisory Mission on the Proliferation of Light Weapons in the Saharo-Sahelian subregion. Also invited were government officials and individual experts from Sierra Leone, Somalia, Mozambique, Namibia, Swaziland and Zimbabwe. In addition, 7 of the 16 members of the Panel participated in the workshop (the experts from Belgium, Finland, Germany, Japan, Mali, South Africa and the United States of America). The joint appeal on small arms, issued at Pretoria on 25 September, appears in appendix I.

The second regional workshop was held at San Salvador on 16 and 17 January 1997. The workshop was financed from voluntary contributions made by the Governments of Belgium, Canada, Finland, Germany, Japan and the United States of America. The Ministry of Foreign Affairs of El Salvador provided administrative and logistical support. Participants in the workshop included officials from the United Nations Support Unit in El Salvador, the Organisation of American States and the Caribbean Association of Commissioners of Police. Also invited were government officials and individual experts from Colombia, El Salvador, Guatemala, Nicaragua, Panama and the United States of America. In addition, eight members of the Panel participated (the experts from Belgium, Canada, Colombia, El Salvador, Finland, Japan, Malaysia, and the United States of America). The statement on small arms, issued at San Salvador on 17 January, appears in appendix II.

The third regional workshop was held at Kathmandu on 22 and 23 May 1997. With South-West Asia as its focus, the workshop was financed from a voluntary contribution made by the Government of Japan. The Ministry of Foreign Affairs of Nepal provided administrative and logistical support. Invitees from Bangladesh, India, the Islamic Republic of Iran, Nepal, Pakistan, the Russian Federation and Sri Lanka participated. In addition, nine members of the Panel participated (the

experts from Belgium, Canada, Colombia, Egypt, Finland, Germany, Malaysia, Sri Lanka and the United States of America). A call upon Afghanistan was made jointly by all the invitees from the subregion and appears in appendix III.

II. OVERVIEW

In the position paper of the Secretary-General entitled "Supplement to An Agenda for Peace" (A/50/60-S/1995/1), it is noted that while there are some agreed global norms and standards against weapons of mass destruction, there are no such norms or standards that can be used in reducing the excessive and destabilising accumulation of small arms and light weapons. These are the weapons increasingly used as primary instruments of violence in the internal conflicts dealt with by the United Nations, they are responsible for large numbers of deaths and the displacement of citizens around the world, and they consume large amounts of United Nations resources.

The excessive and destabilising accumulation and transfer of small arms and light weapons is closely related to the increased incidence of internal conflicts and high levels of crime and violence. It is, therefore, an issue of legitimate concern for the international community. Groups and individuals operating outside the reach of State and government forces make extensive use of such weapons in internal conflicts. Insurgent forces, irregular troops, criminal gangs and terrorist groups are using all types of small arms and light weapons. The illicit trafficking in such weapons by drug cartels, criminals and traders in contraband goods has also been on the increase.

Small arms and light weapons have been or are the primary or sole tools of violence in several of the armed conflicts dealt with by the United Nations, particularly where fighting involves irregular troops among the conflicting parties. Many of these conflicts have inflicted heavy casualties on the people involved. The vast majority of the casualties have been civilians, mostly women and children. It was estimated that, by 1996, over 35 million people in 23 countries throughout the world were at risk of facing civil strife either owing to ongoing humanitarian crises or as a result of a slow recovery from past ones.

Irrespective of their duration or level of violence, many such conflicts were or are being fought in populated areas, without concern for established norms of international law. In contrast to disciplined regular armed forces, irregular forces tend to make no distinction between a

combatant and non-combatant. Irregular forces are equipped with whatever type of weapon they can acquire. Less expensive than major conventional weapons, ready to use without extensive prior training, particularly against civilians, and fit for transport on a person, pack animal or light vehicle, small arms and light weapons are often the weapons of choice in such situations.

Accumulations of small arms and light weapons by themselves do not cause the conflicts in which they are used. The availability of these weapons, however, contributes towards exacerbating conflicts by increasing the lethality and duration of violence, by encouraging a violent rather than a peaceful resolution of differences, and by generating a vicious circle of a greater sense of insecurity, which in turn leads to a greater demand for, and use of, such weapons.

A particularly disturbing feature of current conflicts is the participation of children. By 1988, as many as 200,000 children under the age of 16 were estimated to have participated in conflicts in 25 countries. Since then, the situation may even have worsened. In the case of protracted conflicts, entire generations of children have been affected.

Among the worst affected victims of recent conflicts fought primarily with small arms and light weapons are the inhabitants of some of the poorest countries in the world. Particularly vulnerable are multi-ethnic societies with a history of tension among groups. Also at risk are countries emerging from long wars of national liberation and confronted with the task of reintegrating former combatants into civil society. In many instances, weapons procured at an earlier stage for purposes of national liberation have become available for the violent overthrow of new Governments by insurgent forces or terrorists, or for acts of criminality for personal gain.

In one way or another, virtually every part of the United Nations system is dealing with the direct and indirect consequences of recent armed conflicts fought mostly with small arms and light weapons. Some of the most intractable armed conflicts being dealt with by the United Nations are those in which a recurring cycle of violence, an erosion of political legitimacy and a loss of economic viability have deprived a State of its authority to cope either with the causes or the consequences of the excessive accumulation, proliferation and use of small arms and light weapons.

The full extent of the destabilising consequences of an excessive accumulation, proliferation, transfer and use of small arms and light weapons is only beginning to be assessed. In the process of negotiating and implementing peace accords to end armed conflicts, the United Nations has learned valuable lessons about the high priority that must be given to weapons-related issues. Among them are experiences with the imposition by member states of United Nations embargoes in conflict situations; the retrieval, collection and disposal of weapons; the reintegration into society of former combatants; and the training of personnel for the maintenance of law and order. An encouraging lesson drawn from the recent United Nations experience is the willingness of local communities in some States to volunteer in uncovering, collecting and destroying small arms that are unaccounted for.

Given the serious consequences of the problem as described above, this is a promising time to analyse the small arms and light weapons in use in recent conflicts, the nature and causes of their accumulation and transfer, as well as to recommend to member states, regional organisations and the international community as a whole, particularly as represented by the United Nations, practical measures to prevent and reduce the excessive and destabilising accumulation and transfer of such weapons, with a view to diminishing their role in exacerbating conflicts.

III. WEAPONS IN USE

The mandate assigned by the General Assembly to the Panel was to consider the types of small arms and light weapons actually being used in conflicts being dealt with by the United Nations. It is important to consider the unique characteristics of small arms and light weapons in developing the ways and means to solve the problems caused by then excessive accumulation.

Small arms and light weapons range from clubs, knives and machetes to those weapons just below those covered by the United Nations Register of Conventional Arms, for example, mortars below the calibre of 100 mm. The small arms and light weapons which are of main concern for the purposes of the present report are those which are manufactured to military specifications for use as lethal instruments of war.

Small arms and light weapons are used by all armed forces, including internal security forces, for, *inter alia*, self-protection or self-defence,

close or short-range combat, direct or indirect fire, and against tanks or aircraft at relatively short distances. Broadly speaking, small arms are those weapons designed for personal use, and light weapons are those designed for use by several persons serving as a crew.

Based on this broad definition and on an assessment of weapons actually used in conflicts being dealt with by the United Nations, the weapons addressed in the present report are categorised as follows:

- (a) Small arms:
 - (i) Revolvers and self-loading pistols;
 - (ii) Rifles and carbines;
 - (iii) Sub-machine-guns;
 - (iv) Assault rifles;
 - (v) Light machine-guns;
- (b) Light weapons:
 - (i) Heavy machine-guns;
 - (ii) Hand-held under-barrel and mounted grenade launchers;
 - (iii) Portable anti-aircraft guns;
 - (iv) Portable anti-tank guns, recoilless rifles;
 - (v) Portable launchers of anti-tank missile and rocket systems;
 - (vi) Portable launchers of anti-aircraft missile systems;
 - (vii) Mortars of calibres of less than 100 mm;
- (c) Ammunition and explosives:
 - (i) Cartridges (rounds) for small arms;
 - (ii) Shells and missiles for light weapons;
 - (iii) Mobile containers with missiles or shells for single-action anti-aircraft and anti-tank systems;
 - (iv) Anti-personnel and anti-tank hand grenades;
 - (v) Landmines;
 - (vi) Explosives.

While small arms and light weapons are designed for use by armed forces, they have unique characteristics that are also of particular advantage for irregular warfare or terrorist and criminal action:

- (a) Since weapons in this class are capable of being carried, if a small arm, by one person or, if a light arm, by two or more people, a pack animal or a light vehicle, they allow for mobile

operations where heavy mechanised and air forces are not available or are restricted in their capabilities owing to difficult mountain, jungle or urban terrain;

- (b) Under these conditions, mortars or mounted anti-aircraft guns sometimes constitute the main armament of light forces, providing them with high firepower that often causes heavy casualties among the civilian population if used indiscriminately;
- (c) Light anti-aircraft and anti-tank missile systems not only provide the capability to sustain operations in favourable terrain against forces supported by tanks and aircraft but can also be used by terrorists against civil air traffic with devastating effects;
- (d) Since many small arms require a minimum of maintenance and logistics they are suited for protracted operations;
- (e) Since they can easily be concealed they are suited to covert actions and transfer;
- (f) Since they are less complex and, therefore, normally of lower cost than major conventional weapons, especially if they are used or surplus, they are affordable by actors other than the State.

In conflicts dealt with by the United Nations, non-military weapons, that is, those weapons not manufactured to military specifications, such as hunting firearms and home-made weapons, have been used in violent conflicts, terrorism, and the intentional harming of civilian populations. In such cases, and where such weapons are used and accumulated in numbers that endanger the security and political stability of a State, the Panel considered them relevant for the purposes of the present.

Ammunition and explosives form an integral part of the small arms and light weapons used in conflicts. The availability of ammunition is an important independent element, since weapons can be rendered useless without appropriate ammunition. The mass production of modern reliable and effective ammunition requires highly developed and precise industrial tools. It is assumed that all countries producing small arms (more than 70) and light weapons are also capable of manufacturing the relevant ammunition. In addition, in many regions there is a widespread private production of less reliable ammunition by small enterprises and individuals.

Moreover, violence perpetrated through improvised explosive devices has recently exacerbated conflicts and caused severe destruction and

death. Even a small quantity of such explosive devices has been used to devastating effect by terrorists and insurgents in various parts of the world. In this context, it has been observed that the unimpeded supply and availability of ammunition and explosives, especially by means of illicit trafficking, compound the effects of the proliferation of small arms and light weapons. Therefore, ammunition and explosives themselves are a cause for concern in conflicts affected by small arms and light weapons.

The indiscriminate use of anti-personnel landmines has created a significant global problem well within the mandate of the Panel. Since the international community is, however, addressing this issue in other forums, the Panel agreed to avoid duplication of effort and different approaches by not including anti-personnel landmines in its deliberations.

In contrast to anti-personnel landmines, small arms are constructed for and capable of precise direct fire without inherent indiscriminate effects. High civilian casualties in recent conflicts are the result of indiscriminate warfare that deliberately targets the civilian population with whichever weapons are available.

New technologies are constantly being developed and applied to small arms and light weapons. Attention needs to be paid to the potential impact of these new developments with respect to their proliferation, accumulation and potential for negative effects in those conflicts dealt with by the United Nations. Particular attention should be given to modern light-missile launchers, together with precision-guided munitions, such as the shoulder-fired surface-to-air missiles that can be used for terrorist attacks against sensitive targets, with devastating effects.

IV. NATURE AND CAUSES OF EXCESSIVE AND DESTABILISING ACCUMULATIONS OF SMALL ARMS AND LIGHT WEAPONS

A. Nature

While there is a growing recognition of problems associated with the proliferation, accumulation and use of small arms and light weapons, there are no globally agreed norms and standards to determine the excessive and destabilising levels of this class of weapon.

A majority of the small arms and light weapons being used in conflicts dealt with by the United Nations are not newly produced.

Those weapons which are newly produced come from many different countries, as illustrated in the data below on the production of assault rifles for the years 1945-1990:

<i>Name of assault rifle</i>	<i>Number of countries using the</i>	<i>Number of countries manufacturing the weapon</i>	<i>Number of weapons manufactured (millions)</i>
FN FAL family	94	15	5-7
AK family	78	14 +	35-50
M-16 family	67	7	8
H&K G3 family	64 +	18	7

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

Accumulations of small arms and light weapons become excessive and destabilising:

- (a) When a State, whether a supplier or recipient, does not exercise restraint in the production, transfer and acquisition of such weapons beyond those needed for legitimate national and collective defence and internal security;
- (b) When a State, whether a supplier or recipient, cannot exercise effective control to prevent the illegitimate acquisition, transfer, transit or circulation of such weapons;
- (c) When the use of such weapons manifests itself in armed conflict, in crime, such as arms and drug trafficking, or other actions contrary to the norms of national or international law.

B. Causes

Accumulations of small arms and light weapons by themselves do not cause the conflicts in which they are used. They can, however, exacerbate and increase their lethality. These conflicts have underlying causes which arise from a number of accumulated and complex political, commercial, socio-economic, ethnic, cultural and ideological factors. Such conflicts will not be finally resolved without addressing the root causes.

There is no single cause for these accumulations and their subsequent transformation into instability and conflict. The variety of different causes is usefully categorised by demand and supply factors, although the distinction between both factors is not always clear-cut and there are grey areas in between. Accumulations are always a combination of both factors but the predominance of either demand or supply varies by subregion and State, as well as by time period.

At the global level, internal conflicts have served to attract large numbers of small arms and light weapons. In this context, one factor bearing on the availability, circulation and accumulation of these weapons in many areas of conflict is their earlier supply by Cold War opponents. Foreign interference in areas of tension, or conflict by States which pursue strategic or specific regional interests, is still a feature of current realities. Also, alien domination or foreign occupation and violation of the right to self-determination of all peoples in contravention of the Charter of the United Nations, as well as other political and socio-economic inequities, have given rise to conflict..

Insurgency and terrorism remain as factors in the destabilising use of small arms, light weapons or explosives. Other factors are drug trafficking and criminality. The link between terrorism and such weapons has been referred to by several international forums.

When the State loses control over its security functions and fails to maintain the security of its citizens, the subsequent growth of armed violence, banditry and organised crime increases the demand for weapons by citizens seeking to protect themselves and their property.

The incomplete reintegration of former combatants into society after a conflict has ended, in combination with the inability of States to provide governance and security, may lead to their participation in crime and armed violence.

In some States and subregions there is a culture of weapons whereby the possession of military-style weapons is a status symbol, a source of personal security, a means of subsistence, a sign of manliness and, in some cases, a symbol of ethnic and cultural identity. By itself, such a culture does not necessarily lead to a culture of violence in which the possession of these weapons connotes political power and a preference for the resolution of conflict by the use of arms. The transformation of a culture of weapons to a culture of violence, resulting in the increasing demand for weapons, most often occurs when a State cannot guarantee security to its citizens or control the illicit activities

in which these weapons are utilised. The task of controlling or lowering the level of use of these weapons is made more difficult in a culture of weapons.

States have the right to export and import small arms and light weapons. The misuse of that right and the relatively recent awareness of the problems caused by the accumulation of small arms and light weapons have resulted in insufficient recognition being accorded to the need to better control the transfer of such weapons.

During the Cold War, the increase in licensed production and transfer of technology led to a proliferation of legitimate producers of small arms and light weapons, mainly medium-sized and small enterprises, in an effort by States to become more independent in the production of weapons considered necessary to their security. This led to the search for export markets in order to dispose of surplus weapons. New production of small arms and light weapons has, however, declined owing to a reduction in national defence budgets.

Another factor to be considered is the large surplus of small arms and light weapons created by the reduction in armed forces in the post-cold-war period. While a significant portion of these weapons has been destroyed, an unknown number of them has found its way to internal armed conflicts from States that have ceased to exist or lost political control.

The problem of the accumulation of weapons is exacerbated by the fact that, during some conflicts, large quantities of weapons were distributed to citizens by Governments, in addition to being obtained from other sources, including illicit transfers. In several instances, self-defence units were formed by Governments and gun possession laws were liberalised. When the conflicts ended, the weapons remained in the hands of citizens and were available for recirculation within the society, in the region and even outside the region.

Several United Nations peacekeeping or post-conflict peace-building operations have resulted in the incomplete disarmament of former combatants owing to peace agreements or mandates which did not cover small arms and light weapons disarmament, or to shortfalls in the implementation of mandates because of inadequate operational guidance or resources. Thus, large numbers of surplus weapons became available in the conflict areas for criminal activities, recirculation and illicit trafficking.

C. Modes of Transfer

Much of the supply and acquisition of small arms and light weapons is legitimate trade which occurs among Governments or among legal entities authorised by Governments.

During the Cold War and in the current period, States have secretly carried out transfers of small arms and light weapons. Such transfers are not necessarily illicit. Any transfer not approved by the competent authorities in the recipient State could, however, be classified by that State as interference in its internal affairs and therefore illegal.

The supply of weapons to regions of tension and conflict is characterised by a lack of transparency that is due to the characteristics of small arms and light weapons which can be easily concealed during transport.

Networks operating internationally and other modes of transfer used for the illicit transfer of a variety of commodities are also used to transfer weapons. The techniques used involve smuggling, concealment, mislabelling and false documentation. To hide financial transactions, use is made of coded bank accounts protected by the secrecy laws of some financial institutions. To transport weapons, various methods are used, such as ships with bogus registration and flags of convenience.

Illicit actors in this trade include certain groups in exile and private arms dealers, whose motives may include political support of groups within a country, or drug trafficking and other criminal activities conducted for profit.

Several insurgent and armed groups are known to procure weapons and obtain financial support with the assistance of allied groups and organisations based abroad which act as a front and which illicitly traffic in weapons, ammunition and explosives.

Criminal elements and groups engaged in armed internal conflict can also acquire small arms and light weapons by: an exchange between groups and among unauthorised persons; theft, robbery or loss of weapons in legal possession; and raids, ambushes and other hostile acts. Often, weapons resulting from legal transfers between Governments end up on the illegal market because of corrupt governmental officials.

D. Illicit Trade in Weapons

Illicit trafficking in weapons is understood to cover that international trade in conventional weapons, which is contrary to the laws of States and/or international law.

Illicit trafficking in such weapons plays a major role in the violence currently affecting some countries and regions, by supplying the instruments used to destabilise societies and governments, encourage crime, and foster terrorism, drug trafficking, mercenary activities and the violation of human rights.

In some cases the illicit supply of small arms and light weapons has occurred because there is no adequate national system of controls on arms production, exports and imports, and because border and customs personnel are poorly trained or corrupt.

The differences that exist between the legislation and enforcement mechanisms of States for the import and export of weapons, as well as the lack of cooperation in that area, facilitates the circulation and illicit transfer of small arms and light weapons. There is also no international convention or agreement that restricts such trade, or a body of rules by which a given transfer can be declared illegal under international law other than the arms embargoes adopted by the Security Council.

Accumulations of weapons by means of illicit trafficking are facilitated by a lack of coordination and cooperation among the States involved. In the case of both the recirculation and supply of weapons from outside the region or subregion, efforts to diminish the negative effects of such weapons are hampered by States that will not or cannot cooperate in such basic functions as sharing information regarding illicit trafficking in weapons and coordinating the cross-border seizure and collection of weapons.

E. Regional Realities

Based on United Nations reports on its peace operations, commissions of inquiry and, most important, the three regional workshops conducted by the Panel, it became clear that there are effects and consequences unique to specific regions, subregions and States.

Africa

The African region is confronted with the challenges of both dealing with socio-economic reconstruction in post-conflict societies and containing various internal conflicts. The uncontrolled availability of small arms and light weapons is not only fuelling such conflicts but is also exacerbating violence and criminality. This undermines the State's ability to govern effectively, thereby threatening the stability and security necessary for socio-economic development. Porous borders, lack of resources and the absence of detailed and comprehensive data on the

extent of this phenomenon are inhibiting the region's ability to effectively deal with the problem of proliferation.

Southern Africa is affected by the supply of small arms and light weapons left over from the conflicts in Mozambique and Angola, as well as licensed weapons being stolen or lost. There is a concern among the States in the region that the availability of these weapons is a major factor in exacerbating crime and armed violence, thereby threatening the consolidation of democracy and security which is needed for sustainable development. The weapons of most concern are, among others, handguns, assault rifles and home-made weapons.

Central Africa is dominated by recent internal and ethnic violence and violations of the Security Council arms embargo. The major factor impeding the development of ways and means of dealing with accumulations of weapons in this subregion is the collapse of the State's ability to govern and provide for its national security and the security of its citizens. This is compounded by the extreme levels of poverty in the subregion.

The weapons proliferating and available in West Africa are not newly produced but are left over from several civil wars of the recent past. This proliferation is enhanced by particularly long and unmanned borders. This destabilising factor has forced some States in the Saharo-Saharan subregion to ask for and receive United Nations assistance.

Central America

The Central American subregion has seen the end of three major domestic conflicts in the past seven years, where the United Nations played a critical role in their conclusion. As one of the major areas of confrontation during the Cold War, this subregion was supplied with large numbers of small arms and light weapons which are still in circulation. They remain available for acquisition by criminal gangs and armed groups, despite the encouraging results from several programmes for the collection and destruction of arms.

Geographically, Central America is a major transit area for the illicit trafficking in drugs and weapons between North and South America, which produces destabilising effects for the entire region.

The States in Central America have a particular challenge in demobilising and a large number of former combatants into useful and productive roles in society, since much of the crime and armed violence is perpetrated by ex-combatants with the weapons they retained

after the conflicts were concluded. As a result of post-conflict peace-building processes, the subregion is marked by demilitarisation and the development of democratic Governments which are increasingly able to build the basic institutions that can provide security for citizens of the State and its further economic and social development.

South Asia

The problem of excessive and destabilising accumulations of small arms and light weapons in South Asia was significantly shaped by the war in Afghanistan from 1979 to 1988. During that conflict, both sides in the Cold War exported large quantities of both major conventional weapons and small arms and light weapons into the region. Today, Afghanistan is a leading source of unaccounted weapons. The conflict continues and much of the current inflow of weapons is due to illicit deals involving a circuitous network of manufacturers, buyers, suppliers and distributors which are able to operate because of a lack of State authority. There is a lack of cooperation among several States in the region that also contributes to the problems of covert supply and poor controls over small arms and light weapons.

Insurgents and terrorist groups, as well as drug traffickers, in the region are also supplied with small arms and light weapons by illicit or covert networks. This region is particularly plagued by illicit trafficking in explosives, especially improvised explosive devices which have been frequently used in armed attacks. Most armed groups are based overseas and conduct fund-raising abroad for the illicit procurement of arms and for violent acts in the region.

In this region, the production of and trafficking in drugs are directly linked to the proliferation and acquisition of small arms and light weapons. This problem, and illicit trafficking in weapons in general, is exacerbated by a lack of either local or international controls of land and maritime borders in certain States of the region.

Europe

During the Cold War, large numbers of weapons, including small arms and light weapons, were accumulated in Europe. After the end of the Cold War in many European States, weapon holdings have been reduced through destruction or cascading. In some instances, the grave weakening or even collapse of State structures, and in particular the dissolution of the Soviet Union, has led to a greater availability of small arms and light weapons that is outside State control. The surfeit

of weapons has often aggravated the general feeling of insecurity and, in some cases, fuelled ethnic confrontation and even civil war. The former Yugoslavia and Albania are the worst examples.

The above-mentioned developments, combined with serious economic difficulties, have also had an impact on other regions of the world in the form of an increased flow of weapons from sometimes poorly controlled stocks on the territory of some countries of Eastern-Europe and of stationed forces in the former German Democratic Republic.

Although many European countries reduced weapons production after the end of the Cold War, Europe still has significant domestic capabilities for the production of weapons.

In some European countries, insurgent movements, terrorist groups and criminal gangs are involved in the illicit use of and trafficking in small arms and light weapons.

Commonalities Among Affected Regions

The observations made regarding some regions, subregions and States can be summarised in the following commonalities:

- (a) There is an apparent link between the availability of weapons, trafficking in drugs and arms, and the level of violence;
- (b) Transfers of weapons are often unchecked owing to inadequate controls over long and porous borders;
- (c) The crime and violence arising from the availability of small arms and light weapons have made it more difficult to conduct development projects and programmes that address the root causes of conflict. This has led to a decline in economic assistance and investment from donors. Also, States must use more of their scarce resources to provide security and relief to the victims of violence;
- (d) Illicit trafficking in arms in some regions has violent and destabilising effects;
- (e) Where a culture of weapons exists, it may be more easily transformed into a culture of violence, particularly when tension escalates due to the root causes of conflict;
- (f) In some regions, young people are often the victims and perpetrators of violence, particularly where high unemployment and political hostilities exist. They are easily recruited and

indoctrinated into violent groups and are more likely to follow a path of violence, even when political hostilities cease;

- (g) National efforts to address excessive and destabilising accumulations of small arms are often insufficient owing to the magnitude of the problem and scarce resources. In many instances, multilateral and regional efforts have been undertaken;
- (h) Another reality in some regions is that an adequate level of security is necessary to solve the problems associated with the excessive and destabilising accumulations of small arms and light weapons;
- (i) Most of the States and regions experiencing problems with armed violence stemming from the excessive and destabilising accumulation and transfer of small arms and light weapons also have problems of poverty and lack economic development. These issues are linked;
- (j) In some regions, drug control efforts have increased the demand for small arms and light weapons by both law enforcement authorities and drug traffickers, thereby raising the level of violence.

V. Recommendations

The Panel's recommendations are comprised first of measures to reduce the excessive and destabilising accumulation and transfer of small arms and light weapons in specific regions of the world where such accumulations and transfers have already taken place. These are followed by measures to prevent such accumulations and transfers from occurring in future.

The Panel recommends the following reduction measures:

- (a) The United Nations should adopt a proportional and integrated approach to security and development, including the identification of appropriate assistance for the internal security forces initiated with respect to Mali and other West African States, and extend it to other regions of the world where conflicts come to an end and where serious problems of the proliferation of small arms and light weapons have to be dealt with urgently. The donor community should support this new approach in regard to such regions of the world;
- (b) The United Nations should support, with the assistance of the donor community, all appropriate post-conflict initiatives related

to disarmament and demobilisation, such as the disposal and destruction of weapons, including weapons turn-in programmes sponsored locally by governmental and non-governmental organisations;

- (c) Once national conciliation is reached, the United Nations should assist in convening an inter-Afghan forum to prepare, *inter alia*, a schedule to account for, retrieve and destroy the small arms and light weapons left unaccounted for in Afghanistan;
- (d) In view of the problems stemming from an excess of small arms and light weapons left over from many internal conflicts and the lessons learned from the peacekeeping operations of the United Nations, two sets of guidelines should be developed in order to:
 - (i) Assist negotiators of peace settlements in developing plans to disarm combatants, particularly as concerns light weapons, small arms and munitions, and to include therein plans for the collection of weapons and their disposal, preferably by destruction;
 - (ii) Provide assistance to peacekeeping missions in implementing their mandates, based on peace settlements;

Former peace negotiators and members of peacekeeping operations of the United Nations should be consulted in the preparation of such guidelines. In this connection, consideration should be given to the establishment of a disarmament component in peacekeeping operations undertaken by the United Nations.

- (e) States and regional organisations, where applicable, should strengthen international and regional cooperation among police, intelligence, customs and border control officials in combating the illicit circulation of and trafficking in small arms and light weapons and in suppressing criminal activities related to the use of these weapons;
- (f) The establishment of mechanisms and regional networks for information sharing for the above-mentioned purposes should be encouraged;
- (g) All such weapons which are not under legal civilian possession, and which are not required for the purposes of national defence and internal security, should be collected and destroyed by States as expeditiously as possible.

The Panel recommends the following prevention measures:

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- (a) All States should implement the recommendations contained in the guidelines for international arms transfers in the context of General Assembly resolution 46/36 H of 6 December 1991, adopted by the Disarmament Commission in 1996;
 - (b) All States should determine in their national laws and regulations which arms are permitted for civilian possession and the conditions under which they can be used;
 - (c) All States should ensure that they have in place adequate laws, regulations and administrative procedures to exercise effective control over the legal possession of small arms and light weapons and over their transfer in order, *inter alia*, to prevent illicit trafficking;
 - (d) States emerging from conflict should, as soon as practicable, impose or reimpose licensing requirements on all civilian possession of small arms and light weapons on their territory;
 - (e) All States should exercise restraint with respect to the transfer of the surplus of small arms and light weapons manufactured solely for the possession of and use by the military and police forces. All States should also consider the possibility of destroying all such surplus weapons;
 - (f) All States should ensure the safeguarding of such weapons against loss through theft or corruption, in particular from storage facilities;
 - (g) The United Nations should urge relevant organisations, such as the International Criminal Police Organisation (Interpol) and the World Customs Organisation, as well as all States and their relevant national agencies, to closely cooperate in the identification of the groups and individuals engaged in illicit trafficking activities, and the modes of transfer used by them;
 - (h) All States and relevant regional and international organisations should intensify their cooperative efforts against all aspects of illicit trafficking mentioned in the present report that are related to the proliferation and accumulation of small arms and light weapons;
 - (i) The United Nations should encourage the adoption and implementation of regional or subregional moratoriums, where appropriate, on the transfer and manufacture of small arms and light weapons, as agreed upon by the States concerned;

- (j) Other regional organisations should take note, and make use, as appropriate, of the work of the Organisation of American States in preparing a draft inter-American convention against the illicit manufacturing of and trafficking in firearms, ammunition, explosives and other related materials;
- (k) 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;
- (l) To assist in preventing the illicit trafficking in and circulation of small arms and light weapons, the United Nations should initiate studies on the following:
 - (i) The feasibility of establishing a reliable system for marking all such weapons from the time of their manufacture;
 - (ii) The feasibility of restricting the manufacture and trade of such weapons to the manufacturers and dealers authorised by States, and of establishing a database of such authorised manufacturers and dealers;
- (m) The United Nations should initiate a study on all aspects of the problem of ammunition and explosives.

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THE SCOURGE OF LAND-MINES IN AFRICA

For a number of years now, everyone seems to be concerned about the problem of land-mines throughout the world, particularly in Africa. Why is there suddenly such interest in what is surely not a new phenomenon?

I believe that public opinion was alerted by humanitarian and non-governmental organisations, which realised through their daily contacts with the situation in the field that these lethal weapons are obstacles to any activities aimed at promoting the well-being of society. Since then, the widespread use of land-mines has been condemned. The African continent, which is beset by chronic underdevelopment, has also been affected by catastrophes: it is the continent most affected by mines. According to some estimates, 30 million of the world's 110 million land mines, or 27 per cent, are on African soil. Africa would have willingly done without such a dubious distinction. Should Africa, a continent, that is underdeveloped as a whole, be doomed to stagnate despite the enormous assets that it possesses to ensure desperately needed economic development? Was the French agronomist Rene independence, Africa made a false start? Why are there more mines in Africa than in any other continent?

I shall try to answer these questions by considering the use of land-mines, their consequences, and possible solutions.

The Use of Land-Mines

Their Justification

Initially, land-mines, whether anti-tank or anti-personnel mines, were designed to be used by the military for purely operational purposes. They were to be laid according to set rules (location, mapping, marking) by appropriately trained people so that, once the operation was

completed, they could either be removed quickly without too much danger or destroyed.

From the military standpoint, mines are cost-effective. Indeed, their cost is very modest and they easily perform the tasks of several people.

Indiscriminate Use

Nowadays, the above-mentioned rules are no longer observed. How did Africa get into such a predicament?

Following the end of the Second World War, the colonised countries began to demand their autonomy or independence using means that were not always peaceful. Wars of national liberation were fought throughout Africa. As a result, mines came into widespread use. Internal armed conflicts also broke out after the countries had gained their independence. The use of land-mines became more extensive, particularly during the wars of liberation in the Portuguese-speaking countries. Apart from a few countries, especially Egypt, the Libyan Arab Jamahiriya and, to a lesser extent Tunisia, which were affected by land-mines laid during the Second World War, most countries were affected as a result of the activities of armed liberation movements, civil war or conflicts between two States over border issues (Chad-Libya, Ethiopia-Somalia).

In the course of these conflicts or wars, mines were employed widely. Mines, which used to be laid manually, can now be laid quickly on a large scale thanks to technological advances. Thus, large surface areas can be sown with mines in record time by means of aircraft or artillery. It would, therefore, be unrealistic under such circumstances to talk about specific plans for laying them, since many parameters have to be considered. Sometimes, depending on the prevailing weather conditions and the nature of the terrain, mines end up very far from the target areas.

The endemic civil wars in Africa have made the use of land-mines by untrained personnel commonplace. In these non-conventional conflicts, there are neither rules nor moral obligations. There are obviously no military advantages to be derived from such widespread and indiscriminate use of mines. Soldiers use mines during an operation with well-defined objectives in mind: protecting strategic points, denying passage through certain areas, halting the enemy's advance, and steering enemy forces in a specific direction or into a specific area in order to be able to better engage them or—briefly stated—forcing the enemy to change tactics. However, this advantage is limited in time and space.

In such cases, it can be said that there are certain advantages in not using mines on a large scale. What purpose is served by dropping mines on non-military targets or on zones of no strategic value? Does this not represent a deliberate effort to kill large numbers of innocent people or the enemy with callous disregard? Is the driving force a desire for revenge or hatred?

The widespread and disproportionate use of landmines, especially anti-personnel mines, by forces fighting in Africa verges on the intolerable. Such forces have usually not been trained in the use of mines or do not apply in the field the training they have received, out of ignorance of, or contempt for, the relevant international conventions and treaties.

This indiscriminate and widespread use of landmines can have only negative and extremely dangerous consequences. The consequences of their use for society, the economy and the environment will be considered below.

Consequences

Is the continent of Africa a victim of every conceivable catastrophe in the world? Africa has been afflicted by droughts, floods, locust invasions and endemic diseases or pandemics such as AIDS, and to complete the picture, we now have mines.

Like the other scourges, mines strike indiscriminately, and their primary victims are innocent and defenceless women and children.

Since military operations generally take place in the countryside, their victims are the rural population.

Given the illiteracy rate in Africa, even when minefields are marked the villagers are drawn to the markers out of curiosity, not understanding that they have been placed there to warn them of mortal danger.

As noted above, the main victims are women and children because they are the most active members of society. Women perform certain farming chores and look for firewood to cook food for their families. The children take the animals to pasture. As documented by written testimonies and photographs, women and children are the most exposed to danger.

For many years the World Health Organisation has been pumping enormous material, human and financial resources into its fight to eradicate specific childhood and incapacitating diseases. For example,

vast vaccination campaigns against poliomyelitis are organised in every African State affected by this disease.

It is, therefore, paradoxical that efforts are being made to save individual lives while weapons that destroy those very lives continue to be manufactured.

The Impact on Society

Mine victims, if not killed outright, may have limbs amputated or lose their sight. In short, they may be disabled for the rest of their lives. They will, henceforth, depend on others to survive, being unable to provide for their own needs. They therefore, become a burden on society. African solidarity dictates that no family can or should reject one of its own when stricken by misfortune. But, the price of such solidarity is high when we consider the poverty in which practically the entire African populations lives. The injured persons themselves live a life of trials and tribulations; they feel debilitated and excluded from society. They suffer not only physical trauma owing to their wounds, but also suffer psychological distress.

A cure may involve lengthy and expensive care. I speak with full knowledge of the facts since I myself sustained a serious mine injury. I needed almost two years and no fewer than five operations before learning to walk again.

Once cured, the victim must be fitted with an artificial limb, the cost of which is prohibitive even for those on a moderate income. Moreover, artificial limbs need to be replaced fairly often, particularly in the case of growing children.

In a situation such as this, what is a family supposed to do when it is destitute, as is usually the case? It is an additional burden on people who face a daily battle for survival. Since our governments are similarly destitute, it is left to international organisations such as the International Committee of the Red Cross to try to help these thousands of unfortunate individuals. In other words, society pays a heavy price for other people's stupidity.

The Impact on the Economy

I have just described the terrible effects of land-mines on people. What are the economic consequences?

In certain regions affected by this scourge, whole tracts of land are closed to any activity (for example, livestock farming, agriculture or commercial use). In these areas it is common to hear of famine, which

has not necessarily been caused by drought or locusts. The fact is that the people living there no longer have access to the land where they used to eke out a living. They are forced to rely on hand-outs because they are unable to provide for themselves. Appeals are, therefore, made for international food aid and other assistance to relieve the sufferings of these victims of disaster.

With regions isolated from one another, with livestock farming and agriculture out of the question and commerce curtailed, practically no economic activity remains. The outcome is either paralysis or asphyxia.

In order to redevelop these blighted regions and make such activities viable again, they must, first of all, be cleared of mines. The most striking fact is the extremely high cost of these operations, not only in financial terms, but in material and human terms as well. It costs between \$30 and \$ 100 to buy a mine, but clearing one costs between \$300 and \$1,000. In the case of a manually laid mine, a single individual can perform the task, and even when mines are scattered from an aircraft, a single pilot is all that is required. At least two people are needed to neutralise or destroy a mine. How many mine-clearance officers, even the most experienced, have lost their lives during such operations? This is a high-risk activity.

Since Africa does not possess the financial or material resources to tackle this work on a large scale and has very few de-mining specialists, it must, once again, look elsewhere for assistance. International aid will initially have to be used for mine clearance rather than for socio-economic development. If this situation continues, the outlook for potential economic and social development is very bleak.

We cannot, however, have our cake and eat it too.

If waged by armed force, including land-mines, power struggles waste time and retard economic growth, and the gulf between the black continent and the rest of the world will become even wider. An economy can only develop in a healthy natural environment, which is not the case in Africa, where land-mines have had such an impact on the natural environment.

The Impact on the Environment

A few years ago we witnessed a surge of environmentalism. This movement has now reached Africa. Generally speaking, its watchword is the defence and protection of nature. There has been much discussion

of the harmful effects on man and nature of industrial waste, chemicals, radioactive materials and nuclear tests; Greenpeace is currently campaigning against the resumption of French nuclear tests. An extensive campaign is under way to stop forests from being cut down, in particular, the Amazon rain forest, which is regarded as the world's lungs. But, the topic of land-mines has scarcely been addressed. A few organisations are showing interest in the issue. If we are all striving to make nature wholesome so that mankind can live, flourish and die a natural death, why are land-mines, which often cause irreparable physical and psychological damage, not being given serious consideration in these various campaigns and by all organisations advocating the protection of nature? Land-mines are also major pollutants. Not only do they kill and maim, but by their very presence they prevent people from working and thus feeding themselves. No other form of pollution could be more dangerous.

Given the scale of this disaster, should we despair and do nothing? Are there solutions that make it possible to combat this scourge? This is what we shall attempt to explore in the next section.

Possible Solutions

Humanitarian Mine Clearance

Large-scale humanitarian mine clearance will have to be initiated. As I have already stated, such an operation will require significant financial, material and human resources— resources which no African State can muster. Once again, the assistance of the international community will be sought. This will admittedly take a long time, but it is absolutely necessary in order to enable populations affected by this phenomenon to go about their normal business with a view to meeting their own needs. Of all the techniques used in mine clearance, manual clearance is currently the most reliable.

The only drawback is that it is slow, which is why I say that the operation will take a long time. In addition, as much information as possible will be required on the location of the mines earmarked for clearance in order to ensure the effectiveness of the operation.

Restricting the Use of Mines

Unfortunately, very few African States have acceded to the 1980 United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, or ratified the

Protocols thereto. As the region that has borne the brunt of this scourge, Africa ought to have taken a keen interest in this Convention, which, though incomplete because it lends itself to a variety of interpretations, is none the less a basic document that lays the groundwork for restricting the large-scale, indiscriminate use of land-mines.

In order to prevent senseless death and suffering among the civilian population, a clear distinction must be drawn between military and non-military targets, and the use of mines must be proportional to the real danger involved. Mines should be laid according to set rules in order to facilitate their subsequent removal and to avoid needlessly jeopardising the lives of civilians. To that end, all States, whether or not they are directly affected by land-mines, should agree to include instruction on international humanitarian law in their military training programmes. This would serve to inform and raise the awareness of military personnel, who are the primary users of these engines of death.

To escape from the present situation, which appears to be at an impasse, African States have no choice but to accede to the 1980 Convention, which provides in one of its articles that any State party may propose amendments. In view of the threat that land-mines pose for the population, the economy and the environment, Africa can no longer remain on the sidelines.

Is restricting the use of mines the only option available to humanity, and could it be of some benefit to Africa, or are there other possibilities? Below are further considerations in this regard.

Stopping Production

The low purchase price of land-mines, which reflects the very low cost of producing them, casts doubt on whether these weapons are of economic significance. The possibility of outlawing mines should be considered, particularly in view of their extremely adverse effects.

If chemical and bacteriological weapons have already been outlawed, and nuclear weapons may soon be too, since all are considered weapons of mass destruction, why should mines, which cause as much harm as these other weapons, be excepted? Is it because their effects are less shocking, given that they kill or maim dozens of people not *en masse*, but in widely separated areas? There are grim statistics showing that mines kill and maim thousands of people every day throughout the world. In that case, should they not be classified as weapons of mass destruction? The production of these deadly devices could be stopped if all available means of information and consciousness-raising (the

press, radio and television, seminars, symposia, etc.) were used to alert the international community to the danger posed by mines. Although this would be a long-term effort, one must never give way to discouragement. Certain measures that have already been proposed, such as the manufacture of mines that self-destruct after a given period of time, are mere palliatives. They would not solve the problem because, in the interval between the laying of the mine and its self-destruction, a person could inadvertently set it off and be killed or seriously injured.

World-wide pressure as a result of such information and consciousness-raising would undoubtedly prompt the countries and enterprises that produce these weapons to review their economic policies. The problem must be attacked at its root. This approach can be compared to that of a doctor whose patient has a high fever. Which should be treated: the fever or the condition that causes it? Undoubtedly, the doctor will begin by making a diagnosis to determine why the patient has a fever. In the light of that diagnosis, the doctor can prescribe a suitable treatment for the illness.

A similar approach should be taken to the problem of land-mines. The destruction wreaked by mines in Africa is a symptom, the causes of which are the use of mines, their production and the existence of large stockpiles. It is necessary not only to stop production, but also to convince the holders of these stockpiles to destroy them. This is not an unattainable goal, given that the international community has already succeeded in stopping the production of chemical and bacteriological weapons, except in a few countries that continue to violate this ban.

A firm commitment on the part of the international community to prohibiting the use, production and stockpiling of land-mines is the only means of ridding the world in general, and Africa in particular, of these engines of death.

Conclusion

As a result of wars of liberation and armed conflicts within and between States, Africa is more infested with land-mines than any other continent. The toll they take on socio-economic development is heavy indeed.

Countries such as Angola, Mozambique, Ethiopia, Somalia and Chad, which are severely plagued by the phenomenon of land-mines, will find it hard to implement development programmes in mine-infested parts of their territory. Experience has shown that the large-scale, indiscriminate use of land-mines has extremely serious consequences

for human beings, the environment and the economy. Moreover, the danger has increased with the development of new technologies capable of making these artefacts undetectable, reducing their size and disguising them as harmless objects (e.g., toys, everyday items such as flashlights or ball-point pens). Sometimes they are equipped with anti-handling devices. No one, then, is safe from the danger they pose.

This situation is undoubtedly alarming. However, there is a ray of hope: awareness of the problem is beginning to spread. A number of organisations and societies are taking an interest in the issue. Indeed, it has become virtually a topic of public debate. This is encouraging to those who first sought to alert public opinion to the danger represented by land-mines, and also to those who are, or will be, joining the movement to restrict the use of mines or, preferably, to ban their production and to destroy existing stockpiles.

The parties to the 1980 Convention on Certain Conventional Weapons have begun to take steps to strengthen Protocol II, on land-mines. However, in spite of lengthy preparation by governmental experts, the Review Conference of the Convention, which was held from 25 September to 13 October 1995 to consider amendments to the Protocol, was not able to reach a decision at that time and is scheduled to resume negotiations in 1996.

The struggle will certainly be long and arduous, and will require much courage and patience. The battle for a ban on the use of chemical and bacteriological weapons has already been won. Some countries are in the process of destroying their stockpiles. Why should it be impossible to achieve the same with respect to land-mines?

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CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

Preamble

The States Parties,

Determined to put an end to the suffering and casualties caused by anti personnel mines, that kill or maim hundreds of people every week, mostly innocent and defenceless civilians and especially children, obstruct economic development and reconstruction, inhibit the repatriation of refugees and internally displaced persons, and have other severe consequences for years after emplacement,

Believing it necessary to do their utmost to contribute in an efficient and coordinated manner to face the challenge of removing anti-personnel mines placed throughout the world, and to assure their destruction,

Wishing to do their utmost in providing assistance for the care and rehabilitation, including the social and economic reintegration of mine victims,

Recognising that a total ban of anti-personnel mines would also be an important confidence-building measure,

Welcoming the adoption of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, as amended on 3 May 1996, annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and calling for the early ratification of this Protocol by all States which have not yet done so,

Welcoming also United Nations General Assembly Resolution 51/45 S of 10 December 1996 urging all States to pursue vigorously an effective, legally-binding international agreement to ban the use, stockpiling, production and transfer of anti-personnel landmines.

Welcoming furthermore the measures taken over the past years, both unilaterally and multilaterally, aiming at prohibiting, restricting or suspending the use, stockpiling, production and transfer of anti-personnel mines,

Stressing the role of public conscience in furthering the principles of humanity as evidenced by the call for a total ban of anti-personnel mines and recognising the efforts to that end undertaken by the International Red Cross and Red Crescent Movement, the International Campaign to Ban Landmines and numerous other non-governmental organisations around the world,

Recalling the Ottawa Declaration of 5 October 1996 and the Brussels Declaration of 27 June 1997 urging the international community to negotiate an international and legally binding agreement prohibiting the use, stockpiling, production and transfer of anti-personnel mines,

Emphasising the desirability of attracting the adherence of all States to this Convention, and determined to work strenuously towards the promotion of its universalisation in all relevant fora including, *inter alia*, the United Nations, the Conference on Disarmament, regional organisations, and groupings, and review conferences of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,

Basing themselves on the principle of international humanitarian law that the right of the parties to an armed conflict to choose methods or means of warfare is not unlimited, on the principle that prohibits the employment in armed conflicts of weapons, projectiles and materials and methods of warfare of a nature to cause superfluous injury or unnecessary suffering and on the principle that a distinction must be made between civilians and combatants,

Have agreed as follows:

Article 1

General Obligations

1. Each State Party undertakes never under any circumstances:

- (a) To use anti-personnel mines;
- (b) To develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, anti-personnel mines;
- (c) To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.

2. Each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in accordance with the provisions of this Convention.

Article 2

Definitions

1. "Anti-personnel mine" means a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons. Mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person, that are equipped with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped.

2. "Mine" means a munition designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle.

3. "Anti-handling device" means a device intended to protect a mine and which is part of, linked to, attached to or placed under the mine and which activates when an attempt is made to tamper with or otherwise intentionally disturb the mine.

4. "Transfer" involves, in addition to the physical movement of antipersonnel mines into or from national territory, the transfer of title to and control over the mines, but does not involve the transfer of territory containing emplaced anti-personnel mines.

5. "Mined area" means an area which is dangerous due to the presence or suspected presence of mines.

Article 3

Exceptions

1. Notwithstanding the general obligations under Article 1, the retention or transfer of a number of anti-personnel mines for the development of and training in mine detection, mine clearance, or mine destruction techniques is permitted. The amount of such mines

shall not exceed the minimum number absolutely necessary for the above-mentioned purposes,

2. The transfer of anti-personnel mines for the purpose of destruction is permitted.

Article 4

Destruction of Stockpiled Anti-Personnel Mines

Except as provided for in Article 3, each State Party undertakes to destroy or ensure the destruction of all stockpiled anti-personnel mines it owns or possesses, or that are under its jurisdiction or control, as soon as possible but not later than four years after the entry into force of this Convention for that State Party.

Article 5

Destruction of Anti-Personnel Mines in Mined Areas

1. Each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control, as soon as possible but not later than ten years after the entry into force of this Convention for that State Party.

2. Each State Party shall make every effort to identify all areas under its jurisdiction or control in which anti-personnel mines are known or suspected to be emplaced and shall ensure as soon as possible that all anti-personnel mines in mined areas under its jurisdiction or control are perimeter-marked, monitored and protected by fencing or other means, to ensure the effective exclusion of civilians, until all anti-personnel mines contained therein have been destroyed. The marking shall at least be to the standards set out in the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, as amended on 3 May 1996, annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.

3. If a State Party believes that it will be unable to destroy or ensure the destruction of all anti-personnel mines referred to in paragraph 1 within that time period, it may submit a request to a Meeting of the States Parties or a Review Conference for an extension of the deadline for completing the destruction of such anti-personnel mines, for a period of up to ten years.

4. Each request shall contain:

- (a) The duration of the proposed extension;
- (b) A detailed explanation of the reasons for the proposed extension, including:
 - (i) The preparation and status of work conducted under national demining programmes;
 - (ii) The financial and technical means available to the State Party for the destruction of all the anti-personnel mines; and
 - (iii) Circumstances which impede the ability of the State Party to destroy all the anti-personnel mines in mined areas;
- (c) The humanitarian, social, economic, and environmental implications of the extension; and
- (d) Any other information relevant to the request for the proposed extension.

5. The Meeting of the States Parties or the Review Conference shall, taking into consideration the factors contained in paragraph 4, assess the request and decide by a majority of votes of States Parties present and voting whether to grant the request for an extension period.

6. Such an extension may be renewed upon the submission of a new request in accordance with paragraphs 3, 4 and 5 of this Article. In requesting a further extension period a State Party shall submit relevant additional information on what has been undertaken in the previous extension period pursuant to this Article.

Article 6

International Cooperation and Assistance

1. In fulfilling its obligations under this Convention each State Party has the right to seek and receive assistance, where feasible, from other States Parties to the extent possible.

2. Each State Party undertakes to facilitate and shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning the implementation of this Convention. The States Parties shall not impose undue restrictions on the provision of mine clearance equipment and related technological information for humanitarian purposes.

3. Each State Party in a position to do so shall provide assistance for the care and rehabilitation, and social and economic reintegration,

of mine victims and for mine awareness programmes. Such assistance may be provided, *inter alia*, through the United Nations system, international, regional or national organisations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent societies and their International Federation, nongovernmental organisations, or on a bilateral basis.

4. Each State Party in a position to do so shall provide assistance for mine clearance and related activities. Such assistance may be provided, *inter alia*, through the United Nations system, international or regional organisations or institutions, non-governmental organisations or institutions, or on a bilateral basis, or by contributing to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance, or other regional funds that deal with demining.

5. Each State Party in a position to do so shall provide assistance for the destruction of stockpiled anti-personnel mines.

6. Each State Party undertakes to provide information to the database on mine clearance established within the United Nations system, especially information concerning various means and technologies of mine clearance, and lists of experts, expert agencies or national points of contact on mine clearance.

7. States Parties may request the United Nations, regional organisations, other States Parties or other competent intergovernmental or non-governmental fora to assist its authorities in the elaboration of a national demining programme to determine, *inter alia*:

- (a) The extent and scope of the anti-personnel mine problem;
- (b) The financial, technological and human resources that are required for (he implementation of the programme;
- (c) The estimated number of years necessary to destroy all anti-personnel mines in mined areas under the jurisdiction or control of the concerned State Party;
- (d) Mine awareness activities to reduce the incidence of mine-related injuries or deaths;
- (e) Assistance to mine victims;
- (f) The relationship between the Government of the concerned State Party and the relevant governmental, inter-governmental or non-governmental entities that will work in the implementation of the programme.

8. Each State Party giving and receiving assistance under the provisions of this Article shall cooperate with a view to ensuring the full and prompt implementation of agreed assistance programmes.

Article 7

Transparency Measures

1. Each State Party shall report to the Secretary-General of the United Nations as soon as practicable, and in any event not later than 180 days after the entry into force of this Convention for that State Party on:

- (a) The national implementation measures referred to in Article 9;
- (b) The total of all stockpiled anti-personnel mines owned or possessed by it, or under its jurisdiction or control, to include a breakdown of the type, quantity and, if possible, lot numbers of each type of anti-personnel mine stockpiled;
- (c) To the extent possible, the location of all mined areas that contain, or are suspected to contain, anti-personnel mines under its jurisdiction or control, to include as much detail as possible regarding the type and quantity of each type of anti-personnel mine in each mined area and when they were emplaced;
- (d) The types, quantities and, if possible, lot numbers of all anti-personnel mines retained or transferred for the development of and training in mine detection, mine clearance or mine destruction techniques, or transferred for the purpose of destruction, as well as the institutions authorised by a State Party to retain or transfer anti-personnel mines, in accordance with Article 3;
- (e) The status of programmes for the conversion or decommissioning of anti-personnel mine production facilities;
- (f) The status of programmes for the destruction of anti-personnel mines in accordance with Articles 4 and 5, including details of the methods which will be used in destruction, the location of all destruction sites and the applicable safety and environmental standards to be observed;
- (g) The types and quantities of all anti-personnel mines destroyed after the entry into force of this Convention for that State Party, to include a breakdown of the quantity of each type of anti-personnel mine destroyed, in accordance with Articles 4 and 5, respectively, along with, if possible, the lot numbers of each

type of anti-personnel mine in the case of destruction in accordance' with Article 4;

- (h) The technical characteristics of each type of anti-personnel mine produced, to the extent known, and those currently owned or possessed by a State Party, giving, where reasonably Possible, such categories of information as may facilitate identification and clearance of anti-personnel mines; at a minimum, this information shall include the dimensions, fusing, explosive content, metallic content, colour photographs and other information which may facilitate mine clearance; and

1. The measures taken to provide an immediate and effective warning to the population in relation to all areas identified under paragraph 2 of Article 5.

2. The information provided in accordance with this Article shall be updated by the States Parties annually, covering the last calendar year, and reported to the Secretary-General of the United Nations not later than 30 April of each year.

3. The Secretary-General of the United Nations shall transmit all such reports received to the States Parties.

Article 8

Facilitation and Clarification of Compliance

1. The States Parties agree to consult and cooperate with each other regarding the implementation of the provisions of this Convention, and to work together in a spirit of cooperation to facilitate compliance by States Parties with their obligations under this Convention.

2. If one or more States Parties wish to clarify and seek to resolve questions relating to compliance with the provisions of this Convention by another State Party, it may submit, through the Secretary-General of the United Nations, a Request for Clarification of that matter to that State Party. Such a request shall be accompanied by all appropriate information. Each State Party shall refrain from unfounded Requests for Clarification, care being taken to avoid abuse. A State Party that receives a Request for Clarification shall provide, through the Secretary-General of the United Nations, within 28 days to the requesting State Party all information which would assist in clarifying this matter.

3. If the requesting State Party does not receive a response through the Secretary-General of the United Nations within that time period, or deems the response to the Request for Clarification to be unsatisfactory,

it may submit the matter through the Secretary-General of the United Nations to the next Meeting of the States Parties. The Secretary-General of the United Nations shall transmit the submission, accompanied by all appropriate information pertaining to the Request for Clarification, to all States Parties. All such information shall be presented to the requested State Party which shall have the right to respond.

4. Pending the convening of any meeting of the States Parties, any of the States Parties concerned may request the Secretary-General of the United Nations to exercise his or her good offices to facilitate the clarification requested.

5. The requesting State Party may propose through the Secretary-General of the United Nations the convening of a Special Meeting of the States Parties to consider the matter. The Secretary-General of the United Nations shall thereupon communicate this proposal and all information submitted by the States Parties concerned, to all States Parties with a request that they indicate whether they favour a Special Meeting of the States Parties, for the purpose of considering the matter. In the event that within 14 days from the date of such communication, at least one-third of the States Parties favours such a Special Meeting, the Secretary-General of the United Nations shall convene this Special Meeting of the States Parties within a further 14 days. A quorum for this Meeting shall consist of a majority of States Parties.

6. The Meeting of the States Parties or the Special Meeting of the States Parties, as the case may be, shall first determine whether to consider the matter further, taking into account all information submitted by the States Parties concerned. The Meeting of the States Parties or the Special Meeting of the States Parties shall make every effort to reach a decision by consensus. If despite all efforts to that end no agreement has been reached, it shall take this decision by a majority of States Parties present and voting.

7. All States Parties shall cooperate fully with the Meeting of the States Parties or the Special Meeting of the States Parties in the fulfilment of its review of the matter, including any fact-finding missions that are authorised in accordance with paragraph 8.

8. If further clarification is required, the Meeting of the States Parties or the Special Meeting of the States Parties shall authorise a fact-finding mission and decide on its mandate by a majority of States Parties present and voting. At any time the requested State Party may invite a fact-finding mission to its territory. Such a mission shall take place

without a decision by a Meeting of the States Parties or a Special Meeting of the States Parties to authorise such a mission. The mission, consisting of up to 9 experts, designated and approved in accordance with paragraphs 9 and 10, may collect additional information on the spot or in other places directly related to the alleged compliance issue under the jurisdiction or control of the requested State Party.

9. The Secretary-General of the United Nations shall prepare and update a list of the names, nationalities and other relevant data of qualified experts provided by States Parties and communicate it to all States Parties. Any expert included on this list shall be regarded as designated for all fact-finding missions unless a State Party declares its non-acceptance in writing. In the event of non-acceptance, the expert shall not participate in fact-finding missions on the territory or any other place under the jurisdiction or control of the objecting State Party, if the non-acceptance was declared prior to the appointment of the expert to such missions.

10. Upon receiving a request from the Meeting of the States Parties or a Special Meeting of the States Parties, the Secretary-General of the United Nations shall, after consultations with the requested State Party, appoint the members of the mission, including its leader. Nationals of States Parties requesting the fact-finding mission or directly affected by it shall not be appointed to the mission. The members of the fact-finding mission shall enjoy privileges and immunities under Article VI of the Convention on the Privileges and Immunities of the United Nations, adopted on 13 February 1946.

11. Upon at least 72 hours notice, the members of the fact-finding mission shall arrive in the territory of the requested State Party at the earliest opportunity. The requested State Party shall take the necessary administrative measures to receive, transport and accommodate the mission, and shall be responsible for ensuring the security of the mission to the maximum extent possible while they are on territory under its control.

12. Without prejudice to the sovereignty of the requested State Party, the fact-finding mission may bring into the territory of the requested State Party the necessary equipment which shall be used exclusively for gathering information on the alleged compliance issue. Prior to its arrival, the mission will advise the requested State Party of the equipment that it intends to utilise in the course of its fact-finding mission.

13. The requested State Party shall make all efforts to ensure that the fact-finding mission is given the opportunity to speak with all relevant persons who may be able to provide information related to the alleged compliance issue.

14. The requested State Party shall grant access for the fact-finding mission to all areas and installations under its control where facts relevant to the compliance issue could be expected to be collected. This shall be subject to any arrangements that the requested State Party considers necessary for:

- (a) The protection of sensitive equipment, information and areas;
- (b) The protection of any constitutional obligations the requested State Party may have with regard to proprietary rights, searches and seizures, or other constitutional rights; or
- (c) The physical protection and safety of the members of the fact-finding mission.

In the event that the requested State Party makes such arrangements, it shall make every reasonable effort to demonstrate through alternative means its compliance with this Convention.

15. The fact-finding mission may remain in the territory of the State Party concerned for no more than 14 days, and at any particular site no more than 7 days, unless otherwise agreed.

16. All information provided in confidence and not related to the subject matter of the fact-finding mission shall be treated on a confidential basis.

17. The fact-finding mission shall report, through the Secretary-General of the United Nations, to the Meeting of the States Parties or the Special Meeting of the States Parties the results of its findings.

18. The Meeting of the States Parties or the Special Meeting of the States Parties shall consider all relevant information, including the report submitted by the fact-finding mission, and may request the requested State Party to take measures to address the compliance issue within a specified period of time. The requested State Party shall report on all measures taken in response to this request.

19. The Meeting of the States Parties or the Special Meeting of the States Parties may suggest to the States Parties concerned ways and means to further clarify or resolve the matter under consideration, including the initiation of appropriate procedures in conformity with

international law. In circumstances where the issue at hand is determined to be due to circumstances beyond the control of the requested State Party, the Meeting of the States Parties or the Special Meeting of the States Parties may recommend appropriate measures, including the use of cooperative measures referred to in Article 6.

20. The Meeting of the States Parties or the Special Meeting of the States Parties shall make every effort to reach its decisions referred to in paragraphs 18 and 19 by consensus, otherwise by a two-thirds majority of States Parties present and voting.

Article 9

National Implementation Measures

Each State Party shall take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control.

Article 10

Settlement of Disputes

1. The States Parties shall consult and cooperate with each other to settle any dispute that may arise with regard to the application or the interpretation of this Convention. Each State Party may bring any such dispute before the Meeting of the States Parties.

2. The Meeting of the States Parties may contribute to the settlement of the dispute by whatever means it deems appropriate, including offering its good offices, calling upon the States parties to a dispute to start the settlement procedure of their choice and recommending a time-limit for any agreed procedure.

3. This Article is without prejudice to the provisions of this Convention on facilitation and clarification of compliance.

Article 11

Meetings of the States Parties

1. The States Parties shall meet regularly in order to consider any matter with regard to the application or implementation of this Convention, including:

- (a) The operation and status of this Convention;
- (b) Matters arising from the reports submitted under the provisions of this Convention;

- (c) International cooperation and assistance in accordance with Article 6;
- (d) The development of technologies to clear anti-personnel mines;
- (e) Submissions of States Parties under Article 8; and
- (f) Decisions relating to submissions of States Parties as provided for in Article 5.

2. The First Meeting of the States Parties shall be convened by the Secretary-General of the United Nations within one year after the entry into force of this Convention. The subsequent meetings shall be convened by the Secretary-General of the United Nations annually until the first Review Conference.

3. Under the conditions set out in Article 8, the Secretary-General of the United Nations shall convene a Special Meeting of the States Parties.

4. States not parties to this Convention, as well as the United Nations, other relevant international organisations or institutions, regional organisations, the International Committee of the Red Cross and relevant non-governmental organisations may be invited to attend these meetings as observers in accordance with the agreed Rules of Procedure.

Article 12

Review Conferences

1. A Review Conference shall be convened by the Secretary-General of the United Nations five years after the entry into force of this Convention. Further Review Conferences shall be convened by the Secretary-General of the United Nations if so requested by one or more States Parties, provided that the interval between Review Conferences shall in no case be less than five years. All States Parties to this Convention shall be invited to each Review Conference.

2. The purpose of the Review Conference shall be:

- (a) To review the operation and status of this Convention;
- (b) To consider the need for and the interval between further Meetings of the States Parties referred to in paragraph 2 of Article 11;
- (c) To take decisions on submissions of States Parties as provided for in Article 5; and
- (d) To adopt, if necessary, in its final report conclusions related to the implementation of this Convention.

3. States not parties to this Convention, as well as the United Nations, other relevant international organisations or institutions, regional organisations, the International Committee of the Red Cross and relevant non-governmental organisations may be invited to attend each Review Conference as observers in accordance with the agreed Rules of Procedure.

Article 13

Amendments

1. At any time after the entry into force of this Convention any State Party may propose amendments to this Convention. Any proposal for an amendment shall be communicated to the Depositary, who shall circulate it to all States Parties and shall seek their views on whether an Amendment Conference should be convened to consider the proposal. If a majority of the States Parties notify the Depositary no later than 30 days after its circulation that they support further consideration of the proposal, the Depositary shall convene an Amendment Conference to which all States Parties shall be invited.

2. States not parties to this Convention, as well as the United Nations, other relevant international organisations or institutions, regional organisations, the International Committee of the Red Cross and relevant non-governmental organisations may be invited to attend each Amendment Conference as observers in accordance with the agreed Rules of Procedure.

3. The Amendment Conference shall be held immediately following a Meeting of the States Parties or a Review Conference unless a majority of the States Parties request that it be held earlier.

4. Any amendment to this Convention shall be adopted by a majority of two-thirds of the States Parties present and voting at the Amendment Conference. The Depositary shall communicate any amendment so adopted to the States Parties.

5. An amendment to this Convention shall enter into force for all States Parties to this Convention which have accepted it, upon the deposit with the Depositary of instruments of acceptance by a majority of States Parties. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

Article 14

Costs

1. The costs of the Meetings of the States Parties, the Special Meetings of the States Parties, the Review Conferences and the Amendment

Conferences shall be borne by the States Parties and States not parties to this Convention participating therein, in accordance with the United Nations scale of assessment adjusted appropriately.

2. The costs incurred by the Secretary-General of the United Nations under Articles 7 and 8 and the costs of any fact-finding mission shall be borne by the States Parties in accordance with the United Nations scale of assessment adjusted appropriately.

Article 15

Signature

This Convention, done at Oslo, Norway, on 18 September 1997, shall be open for signature at Ottawa, Canada, by all States from 3 December 1997 until 4 December 1997, and at the United Nations Headquarters in New York, from 5 December 1997 until its entry into force.

Article 16

Ratification, Acceptance, Approval or Accession

1. This Convention is subject to ratification, acceptance or approval of the Signatories.

2. It shall be open for accession by any State which has not signed the Convention.

3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

Article 17

Entry into Force

1. This Convention shall enter into force on the first day of the sixth month after the month in which the 40th instrument of ratification, acceptance, approval or accession has been deposited.

2. For any State which deposits its instrument of ratification, acceptance, approval or accession after the date of the deposit of the 40th instrument of ratification, acceptance, approval or accession, this Convention shall enter into force on the first day of the sixth month after the date on which that State has deposited its instrument of ratification, acceptance, approval or accession.

*Article 18***Provisional Application**

Any State may at the time of its ratification, acceptance, approval or accession, declare that it will apply provisionally paragraph 1 of Article 1 of this Convention pending its entry into force.

*Article 19***Reservations**

The Articles of this Convention shall not be subject to reservations.

*Article 20***Duration and Withdrawal**

1. This Convention shall be of unlimited duration.

2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Convention. It shall give notice of such withdrawal to all other States Parties, to the Depositary and to the United Nations Security Council. Such instrument of withdrawal shall include a full explanation of the reasons motivating this withdrawal.

3.-Such withdrawal shall only take effect six months after the receipt of the instrument of withdrawal by the Depositary. If, however, on the expiry of that six-month period, the withdrawing State Party is engaged in an armed conflict, the withdrawal shall not take effect before the end of the armed conflict.

4. The withdrawal of a State Party from this Convention shall not in any way affect the duty of States to continue fulfilling the obligations assumed under any relevant rules of international law.

*Article 21***Depositary**

The Secretary-General of the United Nations is hereby designated as the Depositary of this Convention.

*Article 22***Authentic Texts**

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

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CALL UPON AFGHANISTAN, ISSUED AT THE CONCLUSION OF THE THIRD REGIONAL WORKSHOP OF THE PANEL OF GOVERNMENTAL EXPERTS ON SMALL ARMS, HELD AT KATHMANDU ON 22 AND 23 MAY 1997

1. We, the invitees to the third regional workshop of the Panel of Governmental Experts on Small Arms associate ourselves with the joint appeal issued at Pretoria on 25 September 1996 and the statement signed in San Salvador on 17 January 1997.

2. We share the growing concern among other subregions over the globalisation of crime, the transboundary movement of illicit and covert arms trade, and the operational parallelism between contraband drug deals and weapons transfers.

3. Our compelling attention in the subcontinent goes to Afghanistan which epitomises the destabilising consequences, of the excessive accumulation, proliferation and use of small arms. Afghanistan today is the world's leading centre for unaccounted weapons, with at least 10 million in circulation within the country. Between 550 and 700 of the 1,000 stinger missiles supplied during the 1980s have simply disappeared among the rugged mountainous terrain of Afghanistan and could reemerge anywhere in the subregion or outside it. Roughly one half of the weapons constantly changing hands within Afghanistan arrived there during the Cold War, mostly in state-to-state transfers. At present, nearly 60 per cent of the weapons flowing into the country is due to illicit deals involving a circuitous network of manufacturers, buyers, suppliers and distributors operating outside the control of state authority. The domestic manufacture of weapons, once considered a

cottage industry in Afghanistan, is no longer as lucrative a trade in view of the cheaper and wider variety of weapons readily available from external sources.

4. The end of the Cold War has not taken away the geo-strategic significance of Afghanistan, located at the outer rim of resource-rich Central Asia and a possible conduit for future supply of natural gas to the subregion. Its long, unmanned and porous territorial frontiers provide an easy inlet by which to move, sell or transfer the surplus weaponry from the countries former members of the Union of Soviet Socialist Republics. Its fiercely independent people are inclined and equipped to defend their freedom by resorting to arms when necessary. The easy availability of weapons and ammunition to rival factions in Afghanistan is a disincentive to the peaceful political settlement that is sorely overdue to resolve a two decade-old conflict. As in other protracted internal conflicts fought with light weapons and irregular forces, civilians are the major victims in Afghanistan. Those who have fled as refugees now number 15 million. Among those who have stayed are another 21.6 million of internally displaced persons.

5. The spillover from the continuing inflow of weapons and ammunition to Afghanistan eats away at the political and social fabric of a subcontinent inhabited by one fifth of humanity.

Weapons originating in Afghanistan have been used in acts of terror, subversion, criminality and banditry throughout South Asia. Harmonisation of state-to-state relations is hindered by the activities of non-state actors operating at times in collusion with organised crime networks and providing financial, ideological or logistical support to each other. An alarming increase in delinquency and drug addiction is threatening to claim the energies and human resource potential of younger population in the subregion flanked by Myanmar, as the largest, and Afghanistan, as the second largest producer of opium in the world. Money raised by the sale of drugs is used to buy weapons to feed insurgencies, fight armed conflicts and commit banditry. The borderlines between political and criminal violence become blurred as precious time is lost in waiting for the overall settlement of long-standing issues which become more entangled as the search continues for a lasting resolution of problems firmly entrenched in history.

6. United in a commonly shared concern for the lives and well-being of the people of the subregion:

- (a) We call upon the Panel of Governmental Experts on Small Arms to launch a worldwide campaign to raise global consciousness of the consequences of the inflow to, and outflow of, weapons from Afghanistan;
- (b) We urge the United Nations to convene an inter-Afghan forum for the preparation of a strict schedule to account for retrieve or destroy the weapons left unaccounted for in the country;
- (c) We express our earnest hope that bilaterally and severally all countries in the subregion would pool their expertise to monitor, control and apprehend criminal activity related to illicit purchase, sale and transfer of small arms;
- (d) We request the Chairman of the Panel of Governmental Experts on Small Arms to append the present call in its entirety to the report of the Secretary-General to be submitted to the General Assembly in pursuance of its resolution 50/70 B.

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REPORT OF THE GROUP OF EXPERTS ON THE PROBLEM OF AMMUNITION AND EXPLOSIVES (1999)

I. INTRODUCTION

The purpose of the present report is to determine what role, if any, could be played by controls on ammunition and explosives in pursuit of efforts to stem the negative impacts associated with the uncontrolled dissemination and abuse of small arms and light weapons. It seeks to provide a basis on which to decide whether controls on ammunition and explosives are options worth pursuing, or whether they should be discarded in favour of other more effective measures.

The General Assembly, in paragraph 3 of its resolution 52/38 J of 9 December 1997, entitled "Small Arms", requested the Secretary-General to initiate a study on the problems of ammunition and explosives in all their aspects, as early as possible, within available resources, and in cooperation with appropriate international and regional organisations as necessary.

In the same resolution, the General Assembly endorsed the recommendations contained in the report of the Panel of Governmental Experts on Small Arms, appointed by the Secretary-General pursuant to General Assembly resolution 50/70 B of 12 December 1995 (A/52/298). In paragraph 80 (m) of its report the Panel had recommended that the United Nations should initiate a study on all aspects of the problem of ammunition and explosives.

In April 1998, the Secretary-General appointed, on the basis of their personal expertise and equitable geographical representation, a group of eight experts from Argentina, Finland, Ireland, Slovakia, South

Africa, Switzerland, the United States of America and the United Nations Institute for Disarmament Research.

The Group of Experts held three sessions at United Nations Headquarters in New York, under the auspices of the Department for Disarmament Affairs: the first from 27 April to 1 May 1998, the second from 11 to 15 January 1999 and the third from 1 to 5 June 1999.

The Group took full account of the work carried out by the Panel of Governmental Experts on Small Arms and of its report of 27 August 1997 and duly noted the Panel's references to the issues of ammunition and explosives in paragraphs 29 and 30 of the report. The work of the Group was designed to complement, rather than to duplicate, the report of the Panel of Governmental Experts. Likewise, the Group was kept informed of the ongoing activities of the Group of Governmental Experts on Small Arms, appointed in April 1998.

At its first session, the Group adopted the following formulation of its aims: "Without prejudice to the legitimate possession, trade and use of ammunition and explosives, the Group will seek to assess whether and how enhanced controls of ammunition and explosives can contribute to preventing and reducing the excessive and destabilising accumulation and proliferation, as well as the abuse, of small arms and light weapons."

The Group collected and assessed the fullest possible range of relevant information and research materials and prepared a questionnaire on matters related to ammunition for small arms and light weapons and to explosives. The questionnaire was sent on 1 July 1998 to all states members of the United Nations, as well as to selected international bodies, and research and non-governmental organisations. The Group took due account of the answers to the questionnaire provided by 32 countries.

In carrying out its task, the Group quickly became aware of one major impediment, the insufficiency and unavailability of existing information on matters related to ammunition for small arms and light weapons and explosives in all their aspects. Existing sources of available information were fragmentary and often contradictory, even on such elementary data as:

- The locations and numbers of ammunition production facilities in the world;
- The directions and volumes of international trade in ammunition;
- The extent of ammunition stocks legitimately held for the needs of armed and security forces;

- The existence and scale of any ammunition stocks designated as surplus or obsolete;
- Information on explosives incidents, explosives production and usage.

The replies received to the Group's questionnaire were too low in number and insufficient in content to compensate for the shortcomings of existing sources of information. As a result, the present report represents the Group's considered collective opinion, based on the experience and knowledge of its membership, as well as on a critical cross-examination of a variety of available primary and secondary sources and field research.

The Group finds that controls on ammunition and explosives would not be sufficient to address the problems identified by the report of the Panel of Governmental Experts on Small Arms. Equally, the Group is of the view that attempts to address small arms and light weapons would be incomplete if they did not include due regard for ammunition and explosives. Ammunition and explosives controls cannot be the sole remedy, but left unaddressed, they could represent a serious flaw and a missed opportunity.

II. ISSUES ADDRESSED IN THE PRESENT REPORT

A. Ammunition

"Ammunition" is a broad generic term for all missiles and devices used for offence and defence. It includes explosive and non-explosive components and covers a very wide spectrum of items. This report deals with explosives and with the ammunition for small arms and light weapons defined in paragraph 26 of the report of the Panel of Governmental Experts on Small Arms (A/52/298), namely:

- (a) *Small arms*:
 - (i) Revolvers and self-loading pistols;
 - (ii) Rifles and carbines;
 - (iii) Sub-machine-guns;
 - (iv) Assault rifles;
 - (v) Light machine-guns;
- (b) *Light weapons*:
 - (i) Heavy machine-guns;
 - (ii) Hand-held under-barrel and mounted grenade launchers;

- (iii) Portable anti-aircraft guns;
- (iv) Portable anti-tank guns, recoilless rifles;
- (v) Portable launchers of anti-tank missile and rocket systems;
- (vi) Portable launchers of anti-aircraft missile systems;
- (vii) Mortars of calibres of less than 100 mm.

The types of ammunition most commonly encountered in conflict areas and illicit activities are small arms ammunition (i.e., ammunition for weapons such as pistols, rifles and machine-guns below 20 mm in calibre), rocket-propelled grenades, light mortar rounds and improvised explosive devices. It is, therefore, on these types of ammunition and explosives that the Group has chosen to focus.

Ammunition refers to the complete round/cartridge or its components, including bullets or projectiles, cartridge cases, primers/caps and propellants that are used in any small arm or light weapon. The main components of a round/cartridge of small arms and light weapons ammunition are briefly described in annex I to the present report.

B. Explosives

Explosives fall under the general definition of ammunition, and in many ways the two are inextricable since most ammunition has explosive components (including propellants, primers, fuzes and fillings). They are commonly used, both militarily and industrially, are widely available and have been used in many conflict, terrorist and criminal activities and situations. It should be noted that bulk military and industrial explosives, dud shells, recycled landmines and a wide variety of improvised explosives have all been used as component parts of explosive devices used worldwide to cause widespread death and destruction.

The main types of explosives addressed by the Group are military high explosives (in particular, plastic explosives), industrial explosives such as those used in the mining industry, improvised or "home-made" explosives and particularly 'explosive initiators, namely detonators (blasting caps).

III. MANUFACTURE OF AMMUNITION AND EXPLOSIVES

A. Ammunition Manufacture

The manufacture of small arms ammunition can vary from relatively unsophisticated "bench top" assembly such as reloading or handloading

to fully automated computer numerical control (CNC) production, with raw material flowing in at one end and fully assembled ammunition emerging at the other. The following is a description of the main types of manufacture:

Handloading/Reloading

This type of manufacture of small arms ammunition is usually performed by legitimate target or sport shooters. The equipment, materials and components are simple and easy to acquire commercially. The process involves reusing fixed cartridge cases by re-sizing the case, replacing the spent primers, filling the required amount of propellant and seating a new bullet. Although this type of manufacture is widespread, the production volume and rates are low compared to the industrial processes described below. Thus, the Group did not regard handloading/reloading as significant for the purposes of the present report.

Industrial Manufacture

This can vary from assembly plants (which assemble ammunition from components supplied from elsewhere) to production plants (which both manufacture the components and assemble them into finished ammunition). Much of the small arms ammunition machinery currently in use dates back to the Second World War. In the more industrially advanced countries, use is made of CNC machinery, which can produce high volumes of high-quality ammunition and can also switch quickly from one type and calibre to another with little loss of production time. In larger ammunition, empty shells, mortar bombs and cartridge cases can be manufactured in dedicated plants and then moved to filling plants for explosive filling and final assembly. These processes are usually separated for explosive safety reasons. It is also common to have dedicated plants specialising in the production of propellants, fuzes, detonators, primers and bulk high explosives for the same reason.

Surge Production

Industrial ammunition manufacturing plants rarely operate at maximum capacity in peacetime. By way of illustration, three respondents to the Group's questionnaire indicated that their maximum production capacities exceeded their average annual production by factors of 2.62 to 12.40. Wartime or emergency surge production is achieved by bringing additional assembly lines into use which might otherwise be "mothballed" and lie idle (e.g., a typical plant with eight

lines can produce 1.5 million rounds of small arms ammunition per day).

Lot Assembly

In order to ensure uniform performance and homogeneity, ammunition is assembled in discrete quantities known as lots or batches. Thus, a single lot is assembled in practically identical manufacturing conditions using identical components from controlled sources. A typical lot of small arms ammunition can contain from 250,000 to 1 million rounds. The lot is also the primary source of identification which enables the source of manufacture to be traced back to a particular factory, shift or production run in the event of defects arising, and also enables the components to be similarly traced. This traceability by lot is of significance not only as an internal quality control measure but also for the purposes of identification of the origin of ammunition.

Ammunition Manufacturers

Industrial-scale manufacture of ammunition is widespread around the world and is only limited by either market forces or defence/security needs. Some countries are reluctant to disclose details of their production figures or even the number of their production companies. Therefore, most of the responses to the Group's questionnaire did not include any production figures. Existing published sources usually fail to distinguish between small-scale companies which might only produce a narrow range of products and large defence-industry corporations, which comprise numerous facilities for the manufacture of hundreds of ammunition products but are only counted as a "single" producer.

The number of companies involved in ammunition manufacture at any particular time is rapidly changing as a result of market forces involving mergers and closures. What is of significance is that the technology is widespread and geographically distributed in both developed and developing countries. It is relatively easy to transfer this technology quickly to supply a new market. Potential worldwide production capacity is therefore more relevant than the estimated number, location and current output of factories at any given time. Control measures for the transfer of such technology are therefore of critical importance.

Generally, small arms ammunition and light weapons ammunition is produced and marketed separately from the weapons themselves (since ammunition manufactured to a particular specification can be

used in many different weapons designed to use that model/calibre of ammunition). More complex ammunition such as anti-tank and certain artillery or mortar ammunition is often designed to be used only in a particular type of weapon and thus both ammunition and weapon are usually produced by the same manufacturer and jointly marketed. Some types of ammunition and weapons are combined products (e.g., one-shot disposable weapons) and are produced and sold as single items with the ammunition pre-packed into the launcher tube.

B. Explosives Manufacture

Because of the sensitivity of the raw materials and the finished product, safety is of great importance in explosives manufacture. Plant buildings are separated by distance and/or blast walls. The complex mixing and processing is carried out to high tolerances and is closely monitored to ensure quality. Depending upon their use, explosives are either moved to filling plants for filling into ammunition or explosive accessories or packed into cartridges, bags or boxes for industrial use as bulk explosives.

Detonators are filled with primary explosives, making them very sensitive to spark, friction or heat. Because of their sensitivity, detonators are difficult and dangerous to manufacture. As a result, they are usually made only in specialised production facilities with automated filling plants.

C. Manufacture of Improvised Explosive Devices

The legitimate use of explosives is central both to military and to industrial/ commercial activity. It is the misuse of explosives which causes concern. The most serious problem is the misuse of military or industrial explosives and/or commonly available fuels, oxidants and explosive precursors in the manufacture of improvised explosive devices— homemade bombs. These issues are of critical importance to explosive ordnance disposal (EOD—commonly known as “bomb disposal”) branches of military and police services worldwide which have to deal with the bombs that are the end result of the misuse of explosives.

There is a widespread use of explosive devices as weapons by extreme political groups, terrorists, criminals and disaffected individuals as well as parties to conflict situations. It is difficult to obtain reliable and comprehensive conclusions from existing data on worldwide bomb incidents, since many countries regard such information as security-sensitive.

Improvised explosive devices vary in sophistication from simple pipe bombs to large vehicle bombs with complex electronic triggering devices and built-in anti-handling features designed to defeat any attempt to defuse the bomb by disposal personnel.

The knowledge required to make an effective improvised explosive device is widely available, both in the popular literature and especially on the Internet.

The basic components of any bomb are similar and generally include an arming/timing/triggering device or switch, an initiator such as a detonator blasting cap and a main charge or explosive filling with or without a booster.

The techniques and tools required for bomb making are simple. Basic chemical skills and equipment are required for improvised explosives manufacture and basic electrical and electronic skills and tools for the triggering of more sophisticated devices. The main raw materials are generally widely available from such diverse sources as household cleaning agents, fireworks, school laboratories, hardware stores and agricultural suppliers. Propellants can be purchased for reload purposes or obtained by emptying small arms ammunition or shotgun cartridges. Ammonium nitrate fertilizer can be converted to an effective explosive by crushing and mixing with a fuel such as sugar or diesel oil. Industrial explosives can be diverted from legitimate mining or quarrying use or stolen. The most difficult components to obtain illegally are generally high-quality detonators and military standard high explosives, although even these are often widely available in conflict and post-conflict regions or in countries where national control measures have broken down or are ineffective.

The effects of improvised explosive devices vary based on size, strength; degree of containment and location. In a vulnerable location, a few pounds of high explosive can break up a passenger airliner in flight, whereas a typical car bomb could contain up to 1,000 pounds (approximately 454 kg) of explosives.

IV. LEGAL TRANSFERS AND ILLICIT TRAFFICKING

Transfers of ammunition and explosives are politically sensitive. Transfer decisions are usually matters of national policy. The market demand for small arms ammunition is higher than the demand for light weapons ammunition owing to the higher rate of fire, relatively longer barrel life and hence higher volume use of small arms compared to light weapons.

The main identifiable patterns of small arms and light weapons ammunition transfers are:

- Government-to-Government trade;
- Direct industry sales;
- Indirect sales through merchants and brokers;
- Donations or low-cost transfers by Governments;
- Covert transfers by Governments;
- Illicit trade (or trafficking).

A. Legal Transfers

There exists a salient lack of centralised information and of systematic documentation or studies on the subject of ammunition and explosives transfers. Lack of transparency hinders access to data concerning the legitimate trade. Of the few sources of information available, it would appear that most transfers are legitimate and routine.

The respective shares of domestic procurement and exports in the production of ammunition for small arms and light weapons vary widely from country to country. One respondent to the Group's questionnaire indicated that 99 per cent of its production was for domestic procurement, whereas another reported that 74 per cent was for export.

Imports and exports of small arms ammunition include not just complete ammunition rounds, but also components (bullets, cases, propellants or primers) for assembly at destination. International transfers of ammunition involve trade among producing countries (suggesting specialisation in production) as well as exports by producers to States where no production takes place, as indicated by several responses to the questionnaire. Respondents included countries from which ammunition and explosives were purchased, as well as countries which were recipients of exports of such materials. The amounts of such exports and imports, however, were not disclosed by most respondents, citing national security reasons.

The legitimate ammunition and explosives transfer process currently in effect has been designed from a safety and security standpoint to protect the general public and the transporter. Security of the shipment is driven by economics: companies and their clients do not want to lose track of their product. Some countries cannot afford sophisticated tracking systems. In Africa, the rail system remains the preferred

transportation method given the great distances and underdeveloped transportation infrastructures. However, in most countries in Africa rail transport is also underdeveloped. Cargoes are reported missing through theft, hijacking and lack of traffic management technology. Recently, the United Nations and the European Union funded a project to computerise rail shipments, making cargo planning and tracking possible.

National authorities should be responsible for ensuring that transfers are legal and safe. Law enforcement is crucial to the transfer process. Whether a transfer is determined to be legitimate or not, the system depends upon laws and regulations, and appropriate authorities to enforce them.

In a properly regulated system, customs officers look for required documentation before a shipment is allowed in or out of a country. Transportation officials ensure that shipments are handled safely. All goods require secure storage while awaiting trans-shipment. Port authorities segregate ammunition and explosives shipments in the port area primarily for safety reasons rather than just their security. This tends to make ammunition and explosives shipments once they are in a safe storage area less accessible than other goods awaiting processing. In addition to standard shipping documents such as bills of lading, ammunition and explosives transfers require evidence of authorisation of the shipment. This usually comes in the form of an export or import licence supported by an end-user certificate issued by a government agency. The agency, and in some cases the individual, issuing the end-user certificate must be recognised by the licensing agency before a licence is approved. At the international level end-user certificates serve as a nation's guarantee of authorisation for a transfer. Differences in the documentation depend upon national laws and policies governing the licensing process.

The use of electronic data interchange (EDI) by international transportation and logistics organisations is expected to enhance shipping harmonisation and accelerate the customs process. This system manages all of the information required for any specific shipment and transfers the data electronically. While this promises to streamline the process, ease control and security of shipments, pitfalls found in any electronic data system would need to be overcome. Harmonisation of data input and programme compatibility are two primary issues which face international logistics organisations. In addition, the technology and

training needs to be made available to less developed regions to help improve their transport controls.

Safety and customs regulations are determined through various regulations established through international conventions. Those conventions are negotiated through international organisations such as the World Trade Organisation, the World Customs Organisation and the International Chamber of Commerce. States members of those organisations agree to non-binding resolutions, regulating the shipment of goods. The organisations present recommendations for their members to adopt. Most often they take the form of national regulation although adopting them is voluntary. It is through those international organisations that most governments negotiate modernisation, streamlining and harmonisation and transparency of international customs regulations, issues of great importance in the world of international trade.

A wide variety of actors engage in an arms transfer, including suppliers, buyers, brokers, bankers, customs and other law enforcement officers, government regulatory agencies and transportation companies. Suppliers can be anyone from manufacturers and their representatives to government agencies tasked with redistributing existing stockpiles. A routine transfer has the same characteristics as any other government procurement.

Brokers operating in the legitimate transfer process act as facilitators between the buyer and the seller. Usually there are multiple suppliers for any given requirement. Brokers act on behalf of suppliers to assist in the bidding and procurement process.

B. Illicit Trafficking

Illicit transfers are recorded primarily in the open domain as case studies or anecdotes, indicating that such transfers do exist on a wide geographic scale, without allowing any significant quantification of the phenomenon.

A general lack of training leading to poor accuracy and lack of fire discipline is characteristic of inexperienced combatants involved in many of the conflicts being fought around the world. As a result, military operations in those areas of conflict not only require weapons but also need large quantities of ammunition to go with them. Faced with embargoes and other transfer roadblocks, belligerents resort to illicit methods to fill their requirements.

It should be noted here that, there are no substantial data linking small arms transfers to ammunition and explosives transfers. Given the large quantities of small arms ammunition required in conflicts today, experts interviewed for the present report concluded that ammunition shipments would frequently travel separately from weapons. Once the weapons are in place, ammunition resupply receives priority.

Drug traffickers and organised criminals pursue their goals using different methods. They need less ammunition and explosives to achieve their goals. In addition, clandestine by nature, trafficking operates via a network of known entities. Constructing or reconstructing that network presents an unnecessary risk. There is an international trend for sectors linked to drug trafficking and organised crime to act as brokers supplying terrorist groups with ammunition the consumption of which varies according to the characteristics of the groups themselves and the areas in which they operate.

Trafficking is carried out through a variety of methods, primarily thefts, illegal movements and “grey” transfers. As a matter of international trade, illicit transfers lend themselves to a study of illegal trading practices generally. Smuggling, piracy, theft and pilfering are primary ways in which legitimate goods make their way into the illegitimate market. Research on piracy incidents of the past decade did not reveal any attacks on ammunition shipments. Thefts of military and law enforcement stocks appear to be a standard method of moving weapons and ammunition into the illicit market. Barter of drugs and other goods obtained through illegal methods is also broadly resorted to. Trafficking includes smuggling, as well as exchanges of ammunition and explosives for other illicit commodities such as drugs, fake documents or ivory.

Customs officials are constantly challenged to discover the latest smuggling techniques. False documents and deceptive markings on containers are the more traditional methods. More recently customs officials have discovered the use of “twin seals” used to disguise the fact that a container has been tampered with. A legitimately sealed container which passed a customs check is opened, the contraband is placed inside and then resealed using what appears to be a legitimate customs seal with the same control number etched in it. Customs officials said this indicates collaboration from warehousemen and longshoremen as well as corrupt customs officials.

False end-user certificates are another way to circumvent the control system. As with other forms of smuggling, “brass-plate companies are set up, money is transferred through multiple bank accounts and goods make their way into the legitimate shipping channels using false documentation.

While the parties to a conflict may need large quantities of ammunition, which implies a need for large containers of goods, shipments can be disguised using standard smuggling techniques. Containers are marked on the outside as benign while the contents may be something quite different. Corrupt customs officials and port authorities, or independent agents whose job it is to expedite the shipping process and are willing to take a bribe, help to defeat the legitimate process.

Just as they often are key to the legitimate trade, some brokers also service the illicit trade. During the Cold War period brokers often served the Government-sanctioned “grey markets” which provided them a certain level of legitimacy. With the end of the Cold War their role in the market has changed. Research indicates that a shift in the grey market has taken place. The brokers who act as a conduit into illegal trade generally have the following characteristics:

- They are often businessmen with military or security records;
- They are motivated by economic rather than political considerations;
- In parallel with arms trafficking, they are also engaged in other, legal business undertakings as “fronts”;
- They have access to fake end-user certificates;
- They use illegal means of transport such as clandestine aircraft and airstrips including the use of forged flight-plans and methods for evading radars;
- In some regions, such brokers are connected with groups engaged in drug trafficking and/or organised crime, which enables them to exchange ammunition and/or explosives for drugs, fake documents, etc.
- They can also have links with corruptible officials.

Part of the trafficking consists in the circulation and recirculation of ammunition inherited from supplies to regions in conflict initially made during the Cold War. The proximity to those stockpiles facilitates the illegal movement of ammunition into areas of conflict. Availability

of pre-existing stockpiles would decrease the demand for alternative sources. Furthermore, on the international scene, other types of internal and regional conflicts have appeared where there is an obvious need for or consumption of a large amount of ammunition.

The illicit trade appears to seek the paths of least resistance. Whether they deal in rugs or drugs, smugglers tend to use the same routes that they have always used.

It seems apparent that law enforcement is the central issue in discussions on transfers and trafficking. The legitimate trade, by definition, depends on strict enforcement of existing laws and regulations. The illicit trade is dedicated to circumventing them. In the current period of increased globalisation, free trade presents problems for law enforcement agencies charged with guaranteeing public safety and open trade. The international community needs to find a way to make law enforcement compatible with free trade if it plans to eliminate the illicit movement of ammunition and explosives.

V. STOCKS AND SURPLUSES

A. Ammunition

Clear and comprehensive data on the location and extent of ammunition stocks and surpluses is lacking. Responses to the Group's questionnaire have not filled this gap. States are generally unwilling to disclose information about ammunition stockpiles for reasons of national security. Moreover, States generally do not keep precise, centralised and accessible records and accounts of existing stocks, including ammunition deemed surplus to national requirements, obsolete or unserviceable.

All of the available information, however, indicates that the reduction in armed forces in the post-Cold War period has contributed to the existence of very large stockpiles of ammunition for small arms and light weapons in various defence inventories. This trend has been strengthened by the change to smaller-calibre main assault rifles (from 7.62 mm to 5.56 mm) in several major armed forces in the world. While the resulting stockpiles cannot be quantified, their careful management, and their reduction where appropriate, are considered especially important by the Group.

B. Explosives

Industrial explosives differ from small arms ammunition and high-quality military explosives as they tend to have a shorter shelf-life and

quicker turnover. This is particularly true of industrial explosives requiring “just-in-time” manufacture and delivery. In fact, there is an increasing trend for “on site” mixing to form bulk explosive slurry from non-explosive constituents. Some industrial explosives (e.g. nitroglycerine-based, nitroguanadine-based) tend to become unstable in storage with time and especially at high temperatures and humidity. Detonators are prone to corrosion and can also become unsafe in storage. Military explosives, on the other hand tend to have good storage characteristics and can be safely stored for decades in good storage conditions. Storage of bulk explosives (military or industrial) bring inherent safety and compatibility problems which tend to become self-limiting factors so that national arsenals and industrial manufacturing and storage facilities tend to reduce such stocks to the absolute minimum necessary.

VI. LEGISLATIVE CONTROL MEASURES

A. National Legislation

National legislation on ammunition and explosives is best described as being very diverse. Whereas in some countries existing legislation can be considered comprehensive and effective, in others legislation is inadequate or even lacking altogether. In those countries where the legislation is more comprehensive, it includes provisions on classification and definition of arms and ammunition and explosives, import and export licensing requirements, rules on purchase, possession and domestic transfers, national registers, identification and marking, domestic application of international and regional regulations and the penalties in case of failure of observance of the rules. This applies notably to the national laws, regulations and procedures governing access by civilians’ right to sell, purchase, own and use ammunition and explosives. Where such legal frameworks, however disparate, do exist at the national level, they are largely unsupported by international agreements or treaties. As a general rule, most countries not only regulate individual firearms ownership but also control the amount of ammunition an individual can have for personal use.

B. Bilateral Agreements

In some cases, bilateral agreements have been signed to fight against the illegal traffic of ammunition and explosives, including the following:

- The Mexico-United States Coordination Group, established in May 1996;

- The Brazil-Paraguay Agreement, signed in October 1996, by which both countries must exchange monthly records on arms, ammunition and explosives purchases by all their legal residents;

Some bilateral agreements also exist in Africa, notably between South Africa and Mozambique and South Africa and Swaziland. Those agreements cover cooperation between the police services of the countries concerned and include provisions for specific cooperation on ammunition and explosives.

C. Regional Agreements

The Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials, adopted by the Organisation of American States (OAS) on 13 November 1997 (hereafter “the OAS Convention”), is the first binding regional agreement explicitly addressing ammunition for small arms and light weapons, as well as explosives. The purpose of the OAS Convention is to prevent, combat and eradicate the illicit manufacture of and trafficking in firearms, ammunition, explosives and other related materials. In pursuit of these objectives, the States parties are committed to harmonising their national legislations and to promoting and facilitating cooperation and exchanges of information and experience among themselves.

In support of the implementation of the OAS Convention, the States members of the Southern Cone Common Market (MERCOSUR), Bolivia and Chile are in the process of establishing a joint registration mechanism for purchasers and sellers of weapons, ammunition and explosives and other related materials. This mechanism was adopted by the heads of state during the Summit of the Americas held at Santiago on 18 April 1998.

In the “Regional Intelligence Community of Central America”, Mexico and Central American countries have exchanged intelligence information on traffic in arms, ammunition and explosives since 1994.

The Declaration of a Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa was adopted for an initial, duration of three years by the States members of the Economic Community of West African States (ECOWAS) on 31 October 1998. Unlike the OAS Convention, the Moratorium addresses the legal trade and manufacture of small arms and light weapons. It is a voluntary measure rather than a legally binding treaty. The Moratorium

itself addresses neither ammunition nor explosives. The code of conduct on the implementation of the Moratorium, elaborated in March 1999, however, does provide for strict controls by the participating States on the importation of spare parts, including ammunition for small arms and light weapons.

The European Union Programme for Preventing and Combating Illicit Trafficking in Conventional Arms, adopted in June 1997 makes particular reference to small arms, but neither to their ammunition nor to explosives. The European Union Code of Conduct on Arms Exports (June 1998) covers all conventional weapons without singling out small arms or light weapons. The EU Joint Action of December 1998, which builds on the former two initiatives, is designed to address specifically the EU's contribution to combating the destabilising accumulation of small arms and light weapons, but its provisions include neither ammunition for such weapons, nor explosives.

The Schengen Agreement" of 1985 calls for the signatory countries "to bring into line with the provisions of this Chapter their national laws, regulations and administrative provisions relating to the purchase, possession, sale and surrender of firearms and ammunition". The Agreement, however, covers only natural (physical individual) and legal (companies or organisations) persons rather than supplies to central and territorial authorities, the armed forces or the police.

D. Multilateral Agreements

The Wassenaar Arrangement involves 33 States participating on a voluntary basis in export controls for conventional arms and dual-use goods and technologies. Its ammunition list classifies ammunition according to weapons categories and includes the full range of ammunition for small arms and light weapons. The Wassenaar Arrangement's participating States include some, but not all, of the world's significant producers of ammunition for small arms and light weapons.

The United Nations Register of Conventional Arms constitutes the broadest multilateral mechanism for promoting transparency in conventional arms transfers. Its scope, however, is limited to seven categories of major conventional weapons, excluding small arms, light weapons, their ammunition, and explosives.

The draft protocol against the illicit manufacturing of and trafficking in firearms, ammunition and other related materials supplementary to the draft convention on transnational organised crime which is currently

being negotiated in the framework of the Vienna-based Commission on Crime Prevention and Criminal Justice is notable in that it specifically addresses ammunition for firearms. On the other hand, the current draft protocol makes no explicit mention of explosives. Furthermore, whereas the Expert Group in the present report addresses ammunition and explosives in all their aspects, including legal State-to-State transfers and manufacturing, the draft protocol's scope extends only to illicit manufacturing and trafficking. In addition, whereas the draft protocol requires appropriate marking for firearms, it does not address the marking of ammunition or explosives.

VII. MARKING OF AMMUNITION AND EXPLOSIVES

There is no obligatory or standardised universal system for the marking of ammunition and explosives or for the centralised registration of such marking. Markings are applied to ammunition and explosives and their packaging to provide information enabling or assisting:

- Identification and management purposes;
- Issue of the correct ammunition or explosive to the appropriate user;
- Identification by the user of the ammunition or explosive;
- The correct handling and transport of ammunition or explosives;
- The tracing of ammunition or explosives;
- Investigations into ammunition or explosives incidents.

A. Ammunition

Headstamping

Headstamping is usually associated with small arms ammunition, although it is also used with larger calibres. A cartridge headstamp is a marking impressed, stamped or embossed on the base of a cartridge case during the manufacturing process. The practice of headstamping is worldwide, but no single convention is used, although the standards used by the North Atlantic Treaty Organisation (NATO) and the Commonwealth of Independent States (CIS) are the most widespread. Headstamps can and do therefore include any combination or selection of numerals, letters, trade marks, symbols or other codes used to identify such aspects of manufacture as country or factory of origin, year of production, and sometimes lot number and calibre. Different language characters and calendar systems are also used. The resulting patterns are of an immense diversity.

As there is no international obligation to apply headstamps to small arms and light weapons ammunition, dealers sometimes have ammunition especially made for them with their own trade mark but without original factory markings. Some military units also require their ammunition to be either unmarked or to bear markings in secret code to avoid traceability after covert operations. The practices of components assembly and of handloading/reloading also complicate the picture, since the headstamp may only identify the initial producer of the cartridge case.

Colour-Coding and Stencilling

Colour-coding is used to denote the role and/or hazard associated with different types of ammunition. NATO coding and CIS coding are the most widely used conventions, although they comprise national variants. The coding indicating the role of small arms ammunition such as armour-piercing, tracer, and so on is usually painted on the tip of the bullet. Hazard-coding colours are either applied to the entire bullet or shell, or as a strip of colour. For larger-calibre ammunition, further information such as nature, calibre, type, manufacturer, lot and year of manufacture is often stencilled onto the shell and cartridge in addition to colour-coding.

Packaging

Ammunition packaging often provides more information than the ammunition itself, provided that the ammunition can be definitely associated with the package. Details of ammunition are stencilled or printed on parent packs and usually include designation, nature, calibre, type, manufacturer, year and lot of manufacture, as well as other codes associated with transport and storage safety. The information is abbreviated on the sub-packs.

B. Explosives

Several studies are currently in progress on the subject of combating the problem of the misuse of military and industrial explosives. These include the National Research Council report of the Committee on Marking, Rendering Inert, and Licencing of Explosive Materials and the United States Department of the Treasury/Bureau of Alcohol, Tobacco and Firearms report on the same subject.

Explosives (military explosives, commercial explosives and their associated accessories, including detonators/blasting caps) present

particular difficulties for satisfactory marking, although the wrapping and packaging of explosives are often marked with information similar to the markings on ammunition packaging.

Detection Additives and Devices

Military explosives such as plastic or sheet explosives are more difficult to detect because of their low vapour pressure and as a result they have been chosen, as explosives of choice by bombers who are trying to prevent detection of improvised explosive devices (IEDs) at customs points or airports. As a result of the International Civil Aviation Organisation (ICAO) Treaty of 1991, signed by 39 countries, many manufacturers of military explosives are now adding chemical markers in the manufacturing process to assist detection. A new technology also exists for detection marking of detonators and explosives involving the addition of coincident gamma-ray emitters at manufacture. This method is still under safety evaluation.

Rapid progress is also being made in improving the accuracy and sensitivity of detection instruments. New technologies such as vapour particle detectors, computed tomography, nuclear quadrupole resonance, thermal neutron analysis, pulsed fast neutron analysis and nuclear resonance absorption are all at various stages of development and are driven by the aviation industry in a major effort to improve airline security. Cost, size and possible safety factors are limiting factors with some of these technologies at present.

The combination of enhanced detectability of marked explosives and the ongoing improvement in the sensitivity of detection instruments will eventually make covert movement of IEDs through security checkpoints very difficult. It should be noted, however, that many manufacturing countries have not yet signed the International Civil Aviation Organisation Treaty and there are huge stocks of unmarked military explosives in existence worldwide. Furthermore, the treaty does not apply at present to commercial boosters, detonating cords and certain cap-sensitive commercial explosives, which also have low vapour pressure and are difficult to detect. The explosives industry has reservations about the general adoption of this system owing mainly to the cost of marking compared to production costs.

Conventional Markings

The same general comments apply here as for markings of ammunition. Conventional markings which identify designation,

manufacturer, lot and year of manufacture are used for industrial and military explosive packaging and wrappings, but cannot be applied to bulk explosives and are difficult to apply to sensitive items such as detonators or explosive accessories such as safety fuse, detonating cords, etc. The problem is further complicated by the lack of international marking conventions and centralised databases for explosives and explosive components and accessories.

Taggants for Pre-and Post-Detonation Identification and Tracing

Tagging is the addition of identification and tracing substances (known as taggants) to explosive substances. In Switzerland, where tagging is required by law, different systems are in use, e.g., 3M, HF-6 and Explo Tracer but the basic principle is similar and consists of using particles or threads with unique combinations of coloured layers or elements which are mixed in during manufacture and can be recovered and analysed even from small traces left after detonation. The codes are changed either every six months or after production of every 300 tonnes of product, so that the explosive can be accurately identified and traced to a particular factory and date of manufacture. All codes are registered with the Swiss police. The tagging system has proved to be of great assistance to the Swiss police in solving explosives-related crime.

In the explosives industry in countries other than Switzerland there are reservations about the general adoption of such systems, mainly because of considerations of cost (which runs to 3-4 cents per lb. in Switzerland) but also about other issues such as cross-contamination of machinery during production, possible performance degradation or safety concerns.

VIII. PROGRAMMES FOR THE REDUCTION OF AMMUNITION STOCKS

Stocks are usually reduced for any of the following reasons:

- Downsizing of military forces, the termination of a conflict or the reduction of a specific security threat;
- Change in standard-issue weapons or their calibres;
- End of useful life of ammunition;
- Defective ammunition;
- Storage safety.

A. Methods of Reduction

Sale

The sale of surplus stocks is common in military arsenals. Such sales can be intergovernmental or open to the highest bidder or tender. In the latter case, merchants or brokers may be involved. Such sales can involve large amounts of ammunition, which is normally sealed in its original packs with its original marking. Thus sales can be fully legal and subject to due import and export controls, but covert or illegal sales are also possible.

Demolition

Demolition involves the use of explosives to destroy ammunition stocks. This method can be expensive and labour-intensive, especially for large volumes or for widely dispersed stocks. Demolition is not suitable for small arms ammunition. However, it is often the preferred method of destroying stocks of larger-calibre ammunition whose transport would be dangerous such as duds, or severely corroded ammunition.

Incineration

Incineration is the controlled burning of ammunition in a specially designed oven or furnace capable of containing the effects of the explosions entailed. Such furnaces can be simple field incinerators, which are cheap, efficient and mobile, but tend to have a small or moderate capacity and are environmentally unfriendly because of the noxious fumes which are a by-product of burning ammunition and pyrotechnics. They are only capable of incinerating small arms ammunition. At the other end of the technological scale, there also exist complex computer-controlled permanent incineration installations, which are more costly.

Burning

The burning of ammunition or explosives can also be performed in the open. This method is suitable for propellants, pyrotechnics and for some explosives. Its disadvantages are its clear environmental unfriendliness and the fact that explosives can burn to detonation.

Dumping

Following the Second World War, dumping at sea was the most common method for disposing of large stocks of surplus ammunition.

The practice has now been banned by international conventions. Land dumping consists in disposing of ammunition by burying it, notably in disused mineshafts and volcanoes. Dumping is cheap and can accommodate large volumes of ammunition, but its drawbacks are its environmental unfriendliness and the danger posed if the ammunition is subsequently uncovered.

Conversion

Conversion is technically feasible, and some ammunition producers convert hazardous ammunition into inert practice ammunition. Although expensive, this method can sometimes be cheaper than purchasing new practice ammunition.

Demilitarisation

Demilitarisation refers to a process in which ammunition is stripped down to its component parts and recycled, using as much of the material obtained as is economically feasible. Ammunition factories are increasingly turning to demilitarisation as a paying service to customers for whom other methods are not practicable. Demilitarisation is a rapid method for disposing of large volumes of surplus stocks. It is environmentally friendly, provided that the plant is equipped with the elaborate filters and scrubbers required to prevent the escape of noxious fumes. Metals are reused as scrap and high explosive ammunition fillings can be converted into explosives for industrial use. Propellants can be reused if chemically stable. Some firms can provide demilitarisation facilities ready for use in a foreign customer's country. On the other hand, the process can be expensive, particularly if the ammunition needs to be transported over long distances.

B. Observations on the Reduction of Stocks

The Group is of the opinion that the careful management of worldwide legitimate stocks of ammunition, including the reduction of surplus stocks, combined with active encouragement for former combatants to hand over their stocks for destruction, can reduce the negative impact of the uncontrolled proliferation of ammunition in post-conflict areas. In post-conflict situations, the handing over of ammunition and explosives by former combatants, prior to destruction using one of the methods listed above, raises similar issues as for small arms and light weapons themselves. In particular, buy-back schemes involving monetary payment in return for ammunition and/or explosives entail the risk of fuelling the black market for future

purchases of weapons, ammunition or explosives. Compensation in kind (whether in goods or in development-related equipment and services) for ammunition or explosives handed over, is usually to be preferred.

Initiatives designed to provide information and advice on appropriate, high-volume and environmentally friendly methods for reducing stocks, with the technical and financial support of donor nations, would be a clear contribution to conflict prevention and to post-conflict peace-building.

IX. OPTIONS FOR CONTROL MEASURES ON AMMUNITION AND EXPLOSIVES

A. Options for Improvements in Marking

The marking of small arms ammunition could be improved by the global adoption of common standards whereby all headstamping would identify, at a minimum, the place, the year and the lot of manufacture. Tagging for explosives could be extended to all explosives and explosive accessories, including military explosives.

Such improvements would only be effective if central registries of marking and tagging codes could be kept, which could be accessed through appropriate procedures of intergovernmental information exchange.

Agreement on minimal international standards for marking would greatly enhance transparency by facilitating the identification and tracing of ammunition and explosives illegally used or trafficked. Agreement on the use of detection additives would also assist authorities in the detection and location of improvised explosive devices as well as illicit movements of explosives.

B. Rendering Inert the Chemicals Used in Explosive Manufacture

The most accessible explosive chemical is ammonium nitrate and as a result of this has been used in many bombings worldwide. It is relatively simple to convert fertilizer-grade ammonium nitrate to explosive-grade. Measures to render ammonium nitrate inert to prevent detonation have been investigated in the United States and Canada. This has included addition of fire retardants, textiles, polymers and limestone and other chemicals. Field results have been mixed, but generally it was found that determined bombers with basic chemical knowledge could circumvent any measures used to date. Research in this area is continuing.

C. Legal and Security Measures to Restrict the Sale/Availability/Use of Explosives and Their Precursors

Some measures which have been used in different countries with mixed success are:

- Voluntary industrial controls;
- Showing of identification by purchasers;
- Recording of all sales by sellers;
- Licensing of users;
- Age restrictions on purchase;
- Banning import and sale of certain categories, e.g. fireworks;
- Verification of end use of explosives by police;
- Guarding of manufacture and storage sites and large consignments in transit by security forces;
- Mandatory reporting to police of sales to individual purchasers above specified quantities.

Precursor chemicals are chemicals which are vital to the manufacture of explosives although not necessarily explosives in themselves. These chemicals are much more difficult to control than actual explosives because of their widespread legitimate use in industry, agriculture and research and educational laboratories. Some of the measures mentioned could also be applied to the sale of precursor chemicals, especially to larger purchases.

D. Databases and Information Exchange on Explosives Incidents and Improvised Explosive Devices

Information on explosive incidents (bombings, damage/casualty analysis, bomb constituents and design, thefts of explosives, finds of illegal explosive accidents involving explosives) and information regarding legitimate production, use and stocks of explosives is generally not centralised and is difficult to obtain in most countries. The Group has already encountered difficulties obtaining meaningful information on these matters in our questionnaire. Dissatisfaction with the collation of United States statistics by the Bureau of Alcohol, Tobacco and Firearms was expressed in the National Research Council report mentioned above. Such information is collected by national EOD and police organisations but is security-sensitive and not generally available. The Expert Group is not aware of any formal international database on the subject.

Information exchange is vital in combating the problem of misuse of explosives. Such information is generally exchanged among security forces and among EOD organisations (e.g., International Association of Bomb Technicians and Investigators) on an *ad hoc* basis or at international conferences. Such exchange is neither formalised nor centralised.

X. FINDINGS AND RECOMMENDATIONS

A. Findings

Having found that:

- Existing information on ammunition and explosives is often fragmented between different agencies and accessible centralised records are not usually available nationally or internationally on this subject;
- Ammunition and explosives are an inseparable part of the problem of the excessive and destabilising accumulation, transfer and misuse of small arms and light weapons;
- Measures to control small arms and light weapons would not be complete if they did not include ammunition and explosives;
- There are wide variations in the quality and range of existing control measures;
- Existing marking systems are too diverse to be adequate for tracing and control purposes;
- There is no international harmonisation of relevant administrative control measures;
- Small arms and light weapons used in conflict require frequent resupply of ammunition and therefore enhanced controls on ammunition and its explosive components and on the manufacturing technology to produce them could be of particular value in dealing with the existing dissemination of small arms and light weapons and reducing the incidence of their use in conflict or post-conflict situations;
- There is a worldwide lack of accurate quantification of ammunition and explosives stocks and surpluses;
- Ammunition, explosives and improvised explosive devices are relatively easily manufactured and the knowledge, equipment and technology required is easily transferred on a global basis;

- Enhanced transparency in the fully legitimate trade in ammunition and explosives would help to identify, circumscribe and combat illicit trafficking;
- Such enhanced controls would be in the interest of licit production, trade and use, as well as in the interest of tracking and stemming illicit production, trafficking and misuse of ammunition and explosives;
- Law enforcement is key to protecting the legitimate trade and preventing and detecting illegitimate transfers, the Group of Experts on the problem of ammunition and explosives in all its aspects makes the following recommendations.

B. Prevention Measures

For the purposes of national, regional and international information and control, the Group recommends:

- (a) The adoption by States of rules, regulations and procedures for the central national collection of complete information on the production, stocks and transfers of ammunition and explosives;
- (b) The collection and analysis of such data centrally in each country in a single database and the linkage of such databases on a regional and international basis;
- (c) The nomination by States of a national point of contact for regional and international exchanges of information and cooperation on all aspects of the problem of ammunition and explosives;
- (d) The creation of regional registers covering ammunition-and explosives;
- (e) The pursuit of efforts to expand the scope of the United Nations Register to small arms and light weapons, as well as ammunition and explosives;
- (f) The regional and international harmonisation of laws and regulations relevant to the control of ammunition and explosives;
- (g) The international standardisation of the form and content of end-use/end-user certificates;
- (h) Encouraging states to register, regulate and approve all of the participants in the ammunition and explosives supply chain, including producers, brokers and shippers, and only to deal with similarly approved participants on a national and international level;

- (i) Encouraging States to promote regular meetings among the security community and intelligence agencies for the exchange of information on the activities of illegal actors in order to improve law enforcement strategies under the aegis of the United Nations.

To assist in the process of identification and tracing of ammunition and explosives, the Group recommends:

- (a) Encouraging the adoption of a common minimum standard for the marking of ammunition and explosives;
- (b) Including in the marking of small arms ammunition at least the three following elements in a standardised format: the factory of production, the year of production, and the batch/lot of production;
- (c) The investigation and use of new technologies to improve the marking of ammunition and the tracing and detection of explosives and explosive components;
- (d) Encouraging regular international meetings of ammunition experts for the exchange of technical information regarding all aspects related to ammunition and explosives under the aegis of the United Nations and appropriate regional organisations.

C. Reduction Measures

For the purposes of stock reduction and surplus disposal, the Group recommends:

- (a) The systematic identification by States of stocks designated as surplus/excess/obsolete;
- (b) Encouraging States to develop and apply accounting and record-keeping procedures enabling them to identify such stocks;
- (c) The reduction of such excess stocks in a safe, secure and environmentally sound manner;
- (d) Encouraging the development and use of appropriate demilitarisation techniques and facilities;
- (e) The conversion of excess production facilities where possible.

To assist in the process of stock reduction and surplus disposal, the Group recommends:

- (a) Regional and international cooperation in stock reduction operations;

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- (b) Encouraging donor States to provide technical and financial assistance for stock reduction and demilitarisation programmes where local resources are insufficient;
 - (c) Encouraging regional cooperation, including information sharing and shared access to appropriate facilities for such, reduction programmes, as well as for conversion.

D. United Nations Activities

The Group recommends that the problem of ammunition and explosives be fully integrated into the following United Nations activities on small arms and light weapons:

- (a) The future study on “the feasibility of establishing a reliable system for marking all such [small arms and light weapons] from the time of their manufacture”, the future study on “the feasibility of restricting the manufacture and trade of such [small arms and light weapons] to the manufacturers and dealers authorised by States”, and of establishing a database of such authorised manufacturers and dealers, as well as on the agenda of the international conference on the illicit arms trade in all its aspects scheduled to take place no later than 2001.
- (b) Further work, including field research on matters related to the transfer, use, stocks management and reduction of ammunition and explosives in conflict-prone areas.

The Group also recommends the creation of a United Nations advisory group on ammunition and explosives in-order to enhance coordination and implementation of United Nations activities regarding ammunition and explosives. Such a group should have the following functions:

- Establishment and updating of a United Nations database on ammunition and explosives;
- Convening of meetings and point of contact for technical advice and information; Field assessment of problems related to surplus stocks;
- Technical advice and assistance on stock reduction programmes;
- Technical assistance and exchange of information to countries with less developed ammunition and explosives management systems;
- Coordination of technical and administrative training of personnel on relevant aspects of ammunition and explosives;
- Initiation of further studies related to problems identified in the present report.

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MAIN COMPONENTS OF THE ROUND/ CARTRIDGE OF SMALL ARMS

Bullet

This can be of a single heavy metal such as lead or, in many military designs, a composite of an outer envelope of brass/copper and an inner core of lead sometimes with a steel tip. The shape of the bullet can vary from ogival shape with a pointed tip to a cylindrical shape with a flat tip. The shape and composition of the bullet affect the ballistic flight (called external ballistics) and dictate the effect on striking the target, called terminal ballistics.

Cartridge Case

This is the largest single component and comprises a metal (normally brass but sometimes steel) cylindrical tube which holds the bullet at the neck and the propellant charge inside and houses the primer in its base. The outer circumference of the base of the cartridge case normally has a groove and rim to assist in extraction from the weapon after firing.

Cap (Primer)

This consists of a small metal cup containing a sensitive explosive, which, when pinched or struck by the firing pin of the weapon, causes a flash to ignite the main propellant.

Propellant Charge

This consists of granular material which burns rapidly to produce the sudden gas expansion which drives the bullet out of the weapon. Stabiliser is added to preserve the shelf-life of the ammunition. The propellant destabilises slowly over time, leading eventually to erratic

performance and in extreme circumstances to spontaneous combustion of the propellant. This process of destabilisation is accelerated by high humidity, wide temperature fluctuations and exposure of ammunition out of its packing. The same conditions also cause the metal components to corrode. Under good storage conditions (i.e., stable temperate temperatures and low humidity combined with properly sealed packing), small arms ammunition can last 50 years or more without significant deterioration.

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REPORT OF THE GROUP OF GOVERNMENTAL EXPERTS ON SMALL ARMS/1999 (A/54/258)

I. INTRODUCTION

Pursuant to the General Assembly resolution 50/70 B of 12 December 1995, a panel of governmental experts on small arms was established in April 1996. Its task was to assist the Secretary-General in the preparation of a report on: (a) the types of small arms and light weapons actually being used in conflicts being dealt with by the United Nations; (b) the nature and causes of the excessive and destabilising accumulation and transfer of small arms and light weapons, including their illicit production and trade; and (c) the ways and means to prevent and reduce the excessive accumulation and transfer of small arms and light weapons, in particular as they cause and exacerbate conflict. The report, transmitted to the General Assembly at its fifty-second session (A/52/298, annex), addressed each of those issues and was endorsed by the Assembly in its resolution 52/38 J of 9 December 1997.

In paragraph 5 of the aforesaid resolution, the General Assembly requested the Secretary-General to prepare, with the assistance of a group of governmental experts, a report on the progress made in the implementation of the recommendations of the previous report on small arms and further actions recommended to be taken, which would be submitted to the General Assembly at its fifty-fourth session. The two questions are considered in sections III and IV, respectively, of the present report.

By resolution 52/38 J, the Assembly endorsed the recommendations contained in the 1997 report on small arms, and called upon all member states to implement the relevant recommendations to the extent possible

and where necessary in cooperation with appropriate international and regional organisations and/or through international and regional cooperation among police, intelligence, customs and border control services.

Further, the Assembly requested the Secretary-General to implement the relevant recommendations contained in the report and to seek the views of member states on the report and, in particular, on the recommendation concerning the convening of an international conference on the illicit arms trade in all its aspects, in time for consideration by the Assembly at its fifty-third session.

In considering the latter recommendation at its fifty-third session, the Assembly, by resolution 53/77 E of 4 December 1998, decided to convene an international conference on the illicit arms trade in all its aspects no later than 2001. By the same resolution, it requested the Secretary-General to prepare a report containing his recommendations to be submitted to the Assembly at its fifty-fourth session, with a view to a decision by the Assembly at that session on the objective, scope, agenda, dates, venue of and preparatory committee for such a conference. The Assembly also requested the Secretary-General to take into account his 1997 report on small arms, as well as relevant recommendations to be made in his report to be submitted to the General Assembly at its fifty-fourth session. The relevant recommendations are set out in section V of the present report

In accordance with paragraph 5 of resolution 52/38 J, the Secretary-General appointed, in April 1998, a group of governmental experts from 23 States: Algeria, Belarus, Belgium, Brazil, Bulgaria, Canada, China, Colombia, Egypt, Finland, France, Germany, Islamic Republic of Iran, Japan, Mexico, Mozambique, Russian Federation, Singapore, South Africa, Sri Lanka, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America.

The Group of Governmental Experts on Small Arms held three sessions: from 26 to 29 May 1998, in New York; from 22 to 26 February 1999, at Geneva; and from 21 to 30 July 1999, in New York. The Group also met twice at workshops convened at Tokyo by the Government of Japan (from 7 to 9 September 1998 and from 31 May to 3 June 1999), and once at a workshop hosted at Geneva by the Government of Switzerland (from 18 to 20 February 1999). In the course of those meetings, the Group met with academic experts and representatives of non-governmental organisations and industry.

The Group took account of the replies received from member states in response to the requests made by the Secretary-General in pursuance of Assembly resolutions 52/38 J and 53/77 E. It also was briefed and received information from relevant United Nations bodies and other relevant sources.

The Group noted the complementarity of its mandate with the work of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organised Crime, established by the General Assembly in resolution 53/111 of 9 December 1998. Pursuant to Economic and Social Council resolution 1998/18 of 28 July 1998, one of the tasks of the Ad Hoc Committee would be to elaborate, within the context of a United Nations convention against transnational organised crime, and international instrument to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. A draft protocol against the illicit manufacturing of and trafficking in firearms, ammunition and other related materials, supplementary to the United Nations convention on transnational organised crime currently under consideration by the Ad Hoc Committee, is not expected to apply to State-to-State transactions or transfers for purposes of national security (A/AC.254/4/Add.2/Rev.1, art. IV). The Group avoided unnecessary overlap with the work of the Ad Hoc Committee, and noted that the mandates of the Ad Hoc Committee and of the Group were both complementary and mutually reinforcing.

The mandate entrusted to the Group was carried out without prejudice to the positions taken by member states on, or the importance allocated by them to, the priorities accorded to nuclear disarmament, weapons of mass destruction and conventional disarmament.

In the implementation of all of the recommendations contained in the present report, the principles of the Charter of the United Nations should be fully observed.

II. OVERVIEW

Globally, it has been estimated that more than 500 million small arms and light weapons are in existence. They continue to be produced in large numbers, mostly in developed countries, although they are now manufactured in over 70 countries on an industrial scale and in numerous countries as a craft industry. Small arms and light weapons are standard equipment for armed forces and internal security forces in every country. The excessive and destabilising accumulation and

transfer of small arms and light weapons is, however, closely related to the increased incidence of internal conflicts and high levels of crime and violence.

Small arms and light weapons have a number of characteristics that make them the weapons of choice in many contemporary conflicts, in particular in internal conflicts and activities involving insurgent forces, criminal gangs and terrorist groups. They are increasingly lethal, are relatively cheap, easily portable and concealable and, in most cases, require minimal maintenance and logistical support and they can, therefore, be operated relatively easily. In many regions, they are widely available through illegal, as well as legal, channels.

Small arms and light weapons have been or are the primary or sole tools of violence in several of the armed conflicts dealt with by the United Nations, in particular where fighting involves irregular troops among the conflicting parties. They are widely used in conflicts in which violence has been perpetrated in violation of domestic law and the norms of international humanitarian law, and in which a high proportion of the casualties are civilians. This has led to millions of deaths and injuries, the displacement of populations, and suffering and insecurity around the world.

Of particular concern is the fact that hundreds of thousands of children have been among the victims of small arms and light weapons. By 1999, more than 300,000 children under 16 years of age were estimated to have been exploited as participants in armed conflict using these arms.

As noted in the 1997 report on small arms, accumulations of small arms and light weapons by themselves do not cause the conflicts in which they are used. They can, however, exacerbate and increase their lethality. These conflicts have underlying causes which arise from a number of accumulated and complex political, commercial, socio-economic, ethnic, cultural and ideological factors. Such conflicts will not be finally resolved without addressing the root causes.

Virtually every part of the United Nations system is dealing in one way or another with the consequences of the armed conflicts, insecurity, violence, crime, social disruption, displaced peoples and human suffering that are directly or indirectly associated with the wide availability and use of these weapons. They, thus, consume large amounts of the resources of the United Nations, and endanger United Nations personnel and humanitarian relief operations. Moreover, the insecurity associated

with the wide availability of small arms impedes or undermines cooperative programmes to promote development, post-conflict reconstruction, and disarmament, demobilisation and reintegration of ex-combatants.

Among the main factors contributing to the availability of small arms and light weapons is the increase in the number of legitimate producers of such weapons combined with continuing illegitimate arms manufacturing. There are numerous sources of newly manufactured small arms and light weapons located in all regions of the world, in many cases as a result of transfer of technology and manufacturing licences from existing producers. At the same time, a large proportion of the accumulation and flow of small arms and light weapons is constituted by recirculated weapons or arms from existing stockpiles.

One factor contributing to the availability of small arms and light weapons in many areas is their earlier supply by Cold War opponents. Much of the supply and acquisition of arms in regions of conflict dealt with by the United Nations has been conducted by Governments or by legal entities authorised by Governments. Some States have exercised insufficient control and restraint over transfers or holdings of small arms and light weapons. Moreover, arms supplies associated with foreign interference in areas of conflict are still a feature of current realities. In general, the lines of supply often are complex and difficult to monitor, facilitated by the relative ease with which transfers of small arms and light weapons can be concealed.

The illicit trafficking and circulation of small arms and light weapons throughout the world is not only a major source of insecurity but also impedes socio-economic development. Illicit arms supply networks often involve legal arms purchases or transfers which are subsequently diverted to unauthorised recipients, or leakage from arms storage facilities. Arms brokers play a key role in such networks, along with disreputable transportation and finance companies. Illicit arms trafficking can sometimes be helped by negligent or corrupt governmental officials and by inadequate border and customs controls. Smuggling of illicit arms by criminals, drug traffickers, terrorists, mercenaries or insurgent groups is also an important factor. Efforts to combat illicit arms trafficking are in some cases hampered by inadequate national systems to control stocks and transfers of arms, shortcomings or differences in the legislation and enforcement mechanisms between the States involved, and a lack of information exchange and cooperation at the national, regional and international levels.

III. PROGRESS MADE IN THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE PANEL OF GOVERNMENTAL EXPERTS ON SMALL ARMS

The Group of Governmental Experts on Small Arms reviewed the progress made in implementing each of the 24 recommendations contained in the report of the Panel of Governmental Experts on Small Arms and endorsed by the General Assembly in resolution 52/38 J (A/52/298, chap. V). The recommended reduction measures (A/52/298) were aimed primarily at regions of the world in which excessive and destabilising accumulations and transfers of small arms and light weapons had already taken place. The recommended prevention measures (A/52/298) were aimed at preventing such excessive and destabilising accumulations and transfers from occurring in the future. Since this is an international problem, these prevention measures included measures to be taken by all States and do not only focus on regions emerging from conflict.

The Group noted that progress was being made at various levels, through the efforts of: (a) the United Nations; (b) other international forums; (c) regional and subregional organisations; and (d) member states. Some of these efforts either pre-date or parallel the 1997 report on small arms; others duly take into account the recommendations contained in the 1997 report; while still others reinforce some of those recommendations.

A. United Nations

The Security Council has become closely engaged in reduction and prevention activities, in particular in the context of the implementation of the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa (A/52/871-S/1998/318). For example, in its resolution 1196 (1998) of 16 September 1998 the Council expressed its willingness to consider all appropriate measures to assist the effective implementation of United Nations arms embargoes and noted that measures such as inquiries into arms trafficking routes might be relevant. In resolution 1209 (1998) of 19 November 1998, on illicit arms flows to and in Africa, the Council encouraged the Secretary-General to explore means for collection, sharing and dissemination of information on illicit small arms flows and their destabilising effects, in order to improve the international community's ability to prevent the exacerbation of armed conflicts and humanitarian crisis.

By its resolution 1161 (1998) of 9 April 1998, the Security Council requested the Secretary-General to reactivate the International Commission of Inquiry (Rwanda). In its final report, issued in November 1998, the Commission noted with interest the recommendations of the Panel of Governmental Experts on Small Arms and aligned itself with many of the recommendations (S/1998/1096, annex, para. 105).

By its resolution 1237 (1999) of 7 May 1999, the Security Council decided to establish two expert panels to collect information and investigate reports relating to the violation of the measures imposed against the Uniao Nacional Para a Independencia Total de Angola (UNITA) with respect to arms and related *materiel*, petroleum and petroleum products, diamonds and the movement of UNITA funds as specified in the relevant resolutions and information on military assistance, including mercenaries.

The Security Council has also considered the issue of small arms in the context of recent statements by the President of the Council. In the statement issued on 12 February 1999 on the protection of civilians in armed conflict (S/PRST/ 1999/6), the Council noted the deleterious impact of the proliferation of arms, in particular small arms, on the security of civilians, including refugees and other vulnerable populations. In the statement issued on 8 July 1999 on maintenance of peace and security and post-conflict peace-building (S/PRST/ 1999/21), the Council expressed serious concern that in a number of conflicts, armed fighting among various parties or factions continued despite the conclusion of peace agreements by the warring parties and the presence of United Nations peacekeeping missions on the ground. The Council recognised that a major contributory factor to such a situation had been the continued availability of large amounts of armaments, in particular small arms and light weapons, to conflicting parties.

In March 1998, the Group of Interested States was established in pursuance of paragraph 4 of General Assembly resolution 52/38 G of 9 December 1997 on "consolidation of peace through practical disarmament measures". Since then, the Group has held regular meetings, convened by the Government of Germany, and has provided financial, technical and political support for some practical disarmament projects, in cooperation with the Department for Disarmament Affairs of the United Nations Secretariat, the United Nations Development Programme (UNDP) and other bodies.

The *United Nations International Study on Firearm Regulation* was presented to the Commission on Crime Prevention and Criminal Justice

in 1997,⁷ and subsequently helped to promote the initiation of negotiations for a legally binding instrument to combat illicit firearms trafficking. In January 1999, negotiations began towards the elaboration of an international instrument addressing the combating of illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, in the context of the elaboration of a comprehensive international convention against transnational organised crime, in pursuance of Economic and Social Council resolution 1998/18 and of General Assembly resolution 53/111, in which the Assembly decided to establish an open-ended intergovernmental ad hoc committee for those purposes. It is expected that negotiations for the firearms protocol will be completed by the end of 2000.

During its 1999 substantive session, the Disarmament Commission adopted by consensus the report of its third working group on guidelines on conventional arms control/limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N. Several of the guidelines are relevant to measures to address the accumulation and spread of small arms and light weapons and primarily relate to the consolidation of peace in post-conflict situations. They are to be applied on a voluntary basis and with the consent of States concerned.

The United Nations has supported a range of measures in West Africa to address problems associated with excessive and destabilising accumulations of small arms and light weapons. The Department of Political Affairs of the United Nations Secretariat, the Department for Disarmament Affairs, UNDP and the United Nations Institute for Disarmament Research (UNIDIR) have cooperated with the Government of Mali and its neighbours in their efforts to tackle such problems and to implement a proportional and integrated approach to security and development. Since 1997, they have worked with the member States of the Economic Community of West African States (ECOWAS) and States providing development assistance to adopt and establish the Programme for Coordination and Assistance on Security and Development in West Africa, and to facilitate the agreement in October 1998 by ECOWAS member States of the Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa

Within the United Nations Secretariat, the Department for Disarmament Affairs has been designated as the focal point to coordinate action on small arms within the United Nations system. In June 1998, the Coordinating Action on Small Arms mechanism was established

for the purposes of consultation, information exchange and priority setting among the United Nations departments and agencies with a comparative advantage in pursuing agreed strategies on small arms. In this context, a range of coordinated activities has been developed, for example, in the areas of public information, weapons collection, and monitoring and reducing the humanitarian impact. In October 1998, the Department created a home page on the Internet devoted to conventional arms, in particular small arms.

In the course of various peacekeeping operations, the Department of Peacekeeping Operations of the United Nations Secretariat has acquired considerable experience in the area of disarmament, demobilisation and reintegration of ex-combatants in a peacekeeping environment. Using input from various United Nations missions fielded since 1989, the Department produced a major study in July 1999 to provide a coherent framework of general principles, practical guidelines and illustrative experience for the effective planning, management implementation and monitoring of disarmament, demobilisation and reintegration of ex-combatants in a peacekeeping environment.

On the basis of a request by the General Assembly in its resolution 52/38 J, the Secretary-General in 1998 appointed a group of experts to study the problem of ammunition and explosives in all its aspects. The group's report was completed in June 1999 and has been submitted by the Secretary-General to the General Assembly for consideration at its fifty-fourth session (A/54/155). In pursuance of resolution 53/77 E of 4 December 1998, in which the Assembly requested the Secretary-General to initiate a study on the feasibility of restricting the manufacture and trade of small arms to the manufacturers and dealers authorised by States, the Department for Disarmament Affairs convened, in late May 1999, a two-day consultative meeting of qualified experts to examine the feasibility of carrying out such a study. The outcome of those consultations is contained in that group's report which is also to be considered by the Assembly at its fifty-fourth session (A/54/160). In pursuance of General Assembly resolution 53/77 T of 4 December 1998, on illicit traffic in small arms, the Department for Disarmament Affairs, in collaboration with the United Nations regional centres for peace and disarmament in Latin America and the Caribbean and in Africa, convened workshops in June and August 1999, as part of the Secretary-General's mandate to conduct broad-based consultations on illicit trafficking in small arms.

Acting on a proposal of the Office for the Coordination of Humanitarian Affairs of the United Nations Secretariat, a working group of the Inter-Agency Standing Committee of the Administrative Committee on Coordination created, in November 1998, the reference group on small arms to develop a coordinated approach among members of the standing committee on the specific humanitarian implications of small arms and light weapons. The standing committee, chaired by the Emergency Relief Coordinator, is the main forum for the major humanitarian agencies to ensure inter-agency decision-making in response to complex emergencies. The general objectives of the reference group on small arms are to facilitate the collection of reliable data on the accumulation and spread of small arms and light weapons, and subsequently to develop joint advocacy strategies.

B. Other International Forums

In May 1997, the Task Force of the Development Assistance Committee of the Organisation for Economic Cooperation and Development (OECD) adopted new guidelines on peace, conflict and development, to promote best practices amongst donors in providing support in regions of conflict or to countries emerging from war. In 1998-1999, the Development Assistance Committee embarked on further work to refine and develop an understanding of how to implement these guidelines in order to promote effective assistance to regions emerging from conflict in which there are urgent problems associated with small arms and light weapons proliferation.

In November 1997, the World Bank established a post-conflict unit to clarify and facilitate ways in which countries might be assisted technically and financially in the transition from war to peace. The World Bank has supported a number of projects in such countries, including programmes to assist with mine clearance and with the demobilisation and integration of ex-combatants. In 1999, the World Bank convened an expert meeting on security and development from 18 to 20 March 1999, and a similar meeting involving its senior management on 29 June 1999, to clarify ways in which the World Bank and other international financial institutions could support programmes to promote a safe and secure environment in conflict-prone countries, so as to facilitate and enable poverty-alleviation and development.

From 13 to 14 July 1998, under the auspices of the Governments of Norway and Canada, representatives of 21 States met at Oslo to discuss the problem of small arms and to examine the types of action that

might be taken by concerned Governments. The 21 participating States issued a document entitled "An international agenda on small arms and light weapons: elements of a common understanding".

On 12 and 13 October 1998, the Government of Belgium hosted the International Conference on Sustainable Disarmament for Sustainable Development at Brussels. Representatives of 95 Governments and over 100 international and non-governmental organisations participated in the Conference. The final document of the Conference, "The Brussels Call for Action", called for an international programme of action on practical disarmament and peace-building.

C. Regional and Subregional Organisations

In November 1997, the member states of the Organisation of American States (OAS) signed the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (see A/53/78, annex). The Convention came into force in 1998 with the required ratification by two of its signatories, and sets forth a set of substantial measures to combat illicit arms trafficking. The Convention has been reinforced by the adoption by the member States of the OAS Inter-American Drug Abuse Control Commission of model regulations for the control of the international movement of firearms, their parts, components and ammunition.

Among others, the OAS Convention has provisions related to definitions, including those of "firearms" and "illicit trafficking"; the adoption of national legal action to establish as criminal offences the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials; requirements, at the time of manufacture of firearms, for appropriate marking of the name of manufacturer, the place of manufacture, and serial number to facilitate their tracing and identification, as well as markings on imported arms and markings on any confiscated firearms; and the exchange among States parties of information on authorised producers, dealers, importers, exporters and carriers of firearms, ammunition, explosives, and other related materials.

A workshop on "Illicit Traffic in Small Arms: Latin American and Caribbean issues" was held at Lima, from 23 to 25 June 1999. It was organised by the Department for Disarmament Affairs through the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean as part of the Secretary-

General's mandate under General Assembly resolution 53/77 T to conduct broad-based consultations on illicit trafficking in small arms.

Member states of the Common Market of the Southern Cone (MERCOSUR) (Argentina, Brazil, Paraguay and Uruguay) and associated States (Bolivia and Chile) signed, on 24 July 1998, a memorandum of understanding that created a joint register mechanism of buyers and sellers of firearms, explosives, ammunition and related materials.

In June 1999, the First Summit Conference of Heads of State and Government of Latin America and the Caribbean and the European Union, held at Rio de Janeiro. Brazil, adopted the Declaration of Rio de Janeiro which declared the special importance of the fight against the excessive and destabilising accumulation of small arms and light weapons, and their uncontrolled dissemination. The Conference also emphasised, among its priorities for action, that a serious challenge to the international community was raised by the combination of conflicts with uncontrolled dissemination of small arms. In this context, the Conference welcomed the joint action on small arms of the European Union (see para. 48 below), as well as the Inter-American Convention.

The member States of the Organisation for Security and Cooperation in Europe (OSCE), working through its Forum for Security Cooperation, are at present formulating a contribution dealing with the problem of small arms and light weapons, to be adopted by the OSCE summit meeting which will be held at Istanbul in late 1999. To this end, the Forum for Security Cooperation has decided to conduct a study of the various proposals relating to small arms and light weapons made by OSCE member States, with the aim of agreeing on a set of specific measures that might be taken. At the same time, the Forum decided to convene a seminar no later than March 2000 to examine the proposed measures.

The Euro-Atlantic Partnership Council (EAPC), the political forum of the member States of the North Atlantic Treaty Organisation and its partnership for peace programme, has included in its 1998-2000 Action Plan the issues of small arms and light weapons. In accordance with the Action Plan, EAPC, in April 1999, established an ad hoc working group on small arms which, in its work programme, has identified three subjects for further detailed study: stockpile management and security; best practices with respect to national export controls; and disarmament of small arms and light weapons in the context of peacekeeping operations.

In June 1997, the Council of the European Union established the Programme for Combating and Preventing Illicit Trafficking in Conventional Arms. Part of this programme is focused on preventing illicit arms trafficking from or through the European Union itself, while other parts are focused on increasing Union support for such efforts in other regions and on contributing to security and development in regions emerging from conflict.

In June 1998, the European Union Code of Conduct on Arms Exports was adopted, which elaborated criteria for licensing transfers of all types of arms and military equipment and established mechanisms for the exchange of information and consultation on these matters among member States of the European Union.

On 17 December 1998, the Council of the European Union adopted a legally binding joint action on the contribution of the Union to combating the destabilising accumulation and spread of small arms and light weapons. The objectives of the joint action are: (a) to combat and contribute to ending the destabilising accumulation and spread of small arms and light weapons; (b) to contribute to the reduction of existing accumulations of these weapons to levels consistent with the legitimate security needs of countries; and (c) to help those regions suffering from the problems associated with excessive accumulation and spread of small arms to tackle them.

The associated states of the European Union and the member states of the European Free Trade Association have aligned themselves with the three above-mentioned actions, and the Government of South Africa has aligned itself with the 1998 joint action on small arms. In implementing these actions, the European Union and its member States have carried out a variety of activities, including programmes to cooperate with Albania and countries in southern and West Africa in their efforts to address the problems associated with the spread of small arms and light weapons.

In Africa, the Organisation of African Unity (OAU) adopted a decision on the proliferation of small arms and light weapons in June 1998, stressing the role that OAU should play in coordinating efforts to address the problem in Africa and requesting the Secretary-General of OAU to prepare a comprehensive report on this issue. On 14 July 1999, the Assembly of Heads of State and Government of OAU adopted a decision on the illicit proliferation, circulation and illicit trafficking of small arms and light weapons which, *inter alia*, calls for a coordinated

African approach to the problems addressed by the decision, and requested the OAU secretariat to organise a preparatory conference of continental experts on this matter.

In October 1998, building on initiatives by the Government of Mali and countries of the Sahara and the Sahel, the Heads of Government of States members of ECOWAS declared a Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons, lasting in the first instance for three years. Through cooperation among the United Nations, donors and ECOWAS member countries, the Programme for Coordination and Assistance for Security and Development was developed, and a plan of action for its implementation was agreed upon by ECOWAS Foreign Ministers at Bamako, on 24 March 1999, together with a code of conduct for the implementation of the ECOWAS Moratorium.

In southern Africa, bilateral and trilateral cooperation has developed substantially since 1997 on problems related to small arms proliferation and illicit arms trafficking, for example, among South Africa, Mozambique and Swaziland. Such problems are beginning to be addressed within the framework of the Southern African Development Community (SADC), and programmes to enhance subregional cooperation among police, customs and other relevant agencies have been established through the Southern African Regional Police Chiefs Cooperation Organisation. In November 1998, the Ministerial Meeting of SADC and the European Union endorsed a southern African regional action programme to tackle light arms proliferation and illicit arms trafficking, developed at a workshop of southern African and European Union officials and experts, which was held near Pretoria in May 1998.

In East Africa, operational cooperation among police, customs and border control officials to combat illicit arms trafficking and associated problems has developed significantly among the members of the East Africa Cooperation since 1997.

D. States

According to the information made available to the Group of Governmental Experts on Small Arms, a range of measures and initiatives have recently been taken by States. For example, the Governments of Argentina, Austria, Belgium, Bulgaria, Canada, Finland, Germany, Japan, Mali, the Netherlands, Norway, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland have all sponsored

international workshops or conferences to promote activities on problems associated with small arms proliferation or illicit arms trafficking.

A number of countries, including Australia, Belgium, Bulgaria, China, Colombia, Mexico, the Netherlands, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America, have established or reinforced inter-agency task forces or committees since 1997, so as to enhance coordination within their forces or committees since 1997, and to enhance, within their Governments, coordination of national policy on small arms or illicit arms trafficking issues. The Government of Mali, in cooperation with the United Nations, established precedent-setting programmes to integrate security and development and to collect and destroy arms as part of the implementation of its national peace accord. The Governments of South Africa and Mozambique have, individually and jointly, adopted a range of measures to strengthen controls on small arms, to find and destroy arms caches and to establish voluntary weapon collection programmes. In 1999, a programme of weapons collection and destruction was established in Cambodia, involving two public weapon destruction events in March and June 1999, in which approximately 15,000 weapons were destroyed. In February 1999, the Government of South Africa announced its decision to destroy all surplus small arms in its possession. These included about 260,000 automatic rifles and several hundred tonnes of ammunition.

A number of States have acted to strengthen legal or regulatory controls. For example, the Government of Algeria, in 1997-1998, strengthened its legislation controlling arms and ammunition, through laws and decrees. In Brazil, in 1997, a law and decree came into force establishing a national system for registering firearms that are manufactured, imported or sold in the country and, in 1999, the Government sent to Parliament a bill restricting the sale of arms and ammunition. The Government of Belarus introduced new relevant legislation in 1998. In Bulgaria, two new laws came into force in 1995 and 1998, and a number of regulations were adopted during the period 1994-1998, improving State control on arms manufacturing and trade activities similarly, new and more stringent national regulations have recently come into force in China: on the control on guns within the country (October 1996) and on arms exports (January 1998).

The Government of China has a policy of destroying all confiscated illicit arms and has recently intensified its efforts in this regard. In 1998, it destroyed about 300,000 such weapons. In 1998, the Government

of France acted to reinforce governmental control over military and civilian arms and ammunition, and introduced more rigorous measures regulating the holding of arms by civilians. In the Russian Federation, a new law regulating, *inter alia*, the export of small arms, entered into force in 1998. The Government of the United States of America has taken a number of relevant national measures, including the intensification of controls over exports of firearms, ammunition and explosives to prevent their diversion to illicit purposes, and adopting legislation that tightened controls over arms brokers. All United States citizens, wherever located, and any person subject to United States law, must now register in order to engage in arms brokering activities and any such activities require the prior written approval of the United States Department of State.

E. Progress Made in Implementing Specific Recommendations

The Group reviewed the progress made in the implementation of each of the 24 recommendations made by the Panel of Governmental Experts on Small Arms. It noted that most of the recommendations in the Panel's 1997 report, whether they were prevention or reduction measures, were closely related to each other and were potentially mutually reinforcing. They could, therefore, be more effectively carried out through the coordinated, consistent and sustained efforts of all members of the international community.

In general, most of the recommendations in the 1997 report were in the process of being implemented. A few recommendations had been almost completely implemented, while for a few others implementation had not yet begun. The degree of progress with respect to most of the recommendations was encouraging as a whole, but differed according to the nature of each recommendation and to whom it was addressed. In this context, the Group recognised that, while regions may sometimes benefit from the experience of other regions, the experience of one region could not be extended to other regions without taking into account the different characteristics of each region. A brief summary and evaluation of progress made with regard to each recommendation, based on the information made available to the Group, is set out below.

Reduction Measures

Recommendations 1 and 2. *The United Nations should adopt a proportional and integrated approach to security and development, including the identification of appropriate assistance for the internal security forces initiated with respect*

to Mali and other West African States, and extend it to other regions of the world where conflicts come to an end and where serious problems of the proliferation of small arms and light weapons have to be dealt with urgently. The donor community should support this new approach in regard to such regions of the world. (A/52/298)

While the Group recognises that there is no agreed international definition of the concept of the proportional and integrated approach to security and development, it has been recognised that situations of insecurity and widespread violence negatively affect development and assistance programmes. For this reason/an approach to development programmes and actions that integrates security concerns may be useful in regions where conflicts come to an end and where serious problems of the proliferation of small arms and light weapons have to be dealt with urgently.

Some international organisations and States providing assistance for development have been implementing the above-mentioned approach at the request of affected States. The Group considers that this practical approach can be useful in some regions where conflicts come to an end and where serious problems of the proliferation of small arms and light weapons have to be dealt with urgently.

The Group believes that the proportional and integrated approach to security and development, while aimed at a secure environment for development, does not in itself imply preconditions on development assistance or grounds for interference in the internal affairs of other States.

The United Nations and its agencies were closely involved with the development and adoption of a proportional and integrated approach to security and development with respect to Mali and neighbouring Sahara-Sahel countries, and have supported appropriate assistance for internal security forces in some of these countries. United Nations bodies cooperated in organising a series of conferences and consultations in West Africa, leading to the establishment of the Programme for Coordination and Assistance on Security and Development, which is administered by UNDP. The aim of the Programme, in cooperation with ECOWAS, is to support efforts in West Africa to promote security and development in a proportional and integrated way, through the implementation of the related programme of action, and also of a code of conduct for the implementation of the West African moratorium.

Since 1997, support has increased substantially among countries and institutions providing development assistance for the proportional

and integrated approach to security and development in regions where conflicts come to an end and where serious problems of the proliferation of small arms and light weapons have to be dealt with urgently. For example, this approach has been explicitly endorsed by the European Union and most major donor countries, and in the Brussels Call for Action issued at the International Conference on Sustainable Disarmament for Sustainable Development. The Development Assistance Committee of OECD has developed guidelines for providing aid in conflict-prone regions that are consistent with this approach. The United Nations Development Programme and numerous donor States have supported the proportional and integrated approach in West Africa. Further, the United Nations administers trust funds established in 1998 to support projects consistent with this

Although support in principle for the proportional and integrated approach towards security and development has developed substantially, it has as yet been extended only to a few countries, principally in West Africa. Some States and institutions concerned may need to revise their policies and, where appropriate, carry out institutional or legal reforms to overcome obstacles to the effective implementation of this approach.

Recommendation 3. *The United Nations should support, with the assistance of the donor community, all appropriate post-conflict initiatives related to disarmament and demobilisation, such as the disposal and destruction of weapons, including weapons turn-in programmes sponsored locally by governmental and non-governmental organisations. (A/52/298)*

In recent years, demobilisation and reintegration have received increasing attention in United Nations peace operations. The collection and destruction of weapons have been included in some mandates of United Nations missions on a case-by-case basis, with varying degrees of success. Since 1998, the Group of Interested States (see para. 27 above) has provided support for some practical disarmament projects. It has paid special attention to promoting exchanges of national experience, and provided support to a workshop convened at Guatemala City in November 1998 on experiences in Central America with weapons collection and integration of former combatants into civil society and to a "train-the-trainers" seminar convened in Cameroon from 18 to 20 July 1998. In 1998 and 1999, the Group of Interested States provided political and financial support for a United Nations weapons collection pilot project in the Albanian district of Gramsh, which is aimed at the voluntary surrender of weapons by civilians in exchange for community

development assistance. In April 1999, the Disarmament Commission adopted by consensus relevant guidelines on conventional arms control/limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N.

The United Nations has thus supported, with donor assistance, a number of post-conflict activities since 1997 relating to disarmament, weapons collection, and safe storage, disposal and destruction of weapons. As experience in Albania, Central America and elsewhere shows, however, the number and scale of such programmes remains small compared with the apparent requirements.

Recommendation 4. *Once national conciliation is reached, the United Nations should assist in convening an inter-Afghan forum to prepare, inter alia, a schedule to account for, retrieve, and destroy the small arms and light-weapons left unaccounted for in Afghanistan. (A/52/298)*

National conciliation has not yet been reached, and so this recommendation could not yet be implemented.

Recommendations 5 and 6. *Two sets of guidelines should be developed to: (a) assist negotiators of peace settlements in developing plans to disarm combatants, and to include therein plans for the collection of weapons and their disposal, preferably by destruction; and (b) provide assistance to peacekeeping missions in implementing their mandates, based on peace settlements. Former peace negotiators and members of peacekeeping operations of the United Nations should be consulted in the preparation of such guidelines. In this connection, consideration should be given to the establishment of a disarmament component in peacekeeping operations undertaken by the United Nations. (A/52/298)*

The Department of Peacekeeping Operations has substantial experience with ways and means to plan and implement disarmament measures in the context of peace missions. On the basis of experience gained from various United Nations missions fielded since 1989, the Lessons Learned Unit of the Department produced in July 1999 a document on disarmament, demobilisation and reintegration of ex-combatants in a peacekeeping environment. In substance, the document provides the two sets of guidelines that were recommended to be developed.

The above-mentioned document contains principles, practical guidelines and illustrative experiences clarifying how disarmament tasks should be a component of an integrated programme for disarmament, demobilisation and reintegration of ex-combatants in a peacekeeping environment. Disarmament tasks have been included on

a case-by-case basis in the mandates of United Nations peacekeeping operations. The Security Council determines the mandate for such operations.

Recommendation 7. *States and regional organisations, where applicable, should strengthen international and regional cooperation among police, intelligence, customs and border control officials in combating the illicit circulation of and trafficking in small arms and light weapons and in suppressing criminal activities related to the use of these weapons. (A/52/298)*

Since 1997, several regional and subregional organisations have taken measures to strengthen such cooperation, as outlined in section C above, including OAS, MERCOSUR, the European Union, the Euro-Atlantic Partnership Council, OAU, ECOWAS, SADC, the Southern African Regional Police Chiefs Cooperation Organisation and East Africa Cooperation. Moreover, there have been a number of initiatives taken by States to strengthen bilateral and trilateral cooperation in these areas, for example, among South Africa, Mozambique and Swaziland, and between Mali and the Niger.

There has been significant progress made in several regions and States in implementing the above-mentioned recommendation. At the same time, most such cooperative arrangements are only recently established, and thus remain at an early stage of development and implementation. Although regional circumstances and needs vary, other regions and States may consider establishing similar arrangements. Moreover, as demonstrated by the case of Albania in 1997-1998, the illicit distribution and trafficking of small arms in one country often leads to proliferation of these weapons in neighbouring areas and other regions, and efforts to prevent this are likely to fail in the absence of adequate regional and international coordinated action. Assistance in capacity-building may be required to enable developing countries and countries in transition to participate effectively in such cooperative programmes.

Recommendation 8. *The establishment of mechanisms and regional networks for information sharing for the purposes mentioned in recommendation 7 above should be encouraged. (A/52/298)*

The establishment of regional networks for information sharing is envisaged as part of the implementation of the OAS Inter-American Convention of 1997 and the European Union Programme for Combating and Preventing Illicit Trafficking in Conventional Arms. The Programme is aimed at encouraging the development of such networks among

ECOWAS members. Similarly, the Southern African Regional Police Chiefs Cooperation Organisation and East Africa Cooperation aim to encourage the development of such networks in southern and East Africa, respectively.

Recommendation 9. *All small arms and light weapons which are not under legal civilian possession, and which are not required for the purposes of national defence and internal security, should be collected and destroyed by States as expeditiously as possible. (A/52/298)*

Several States have adopted policies to collect and destroy some or all categories of surplus small arms and light weapons, in particular illegal arms. For example, the Government of China has an established policy to collect and destroy all illicit weapons and has recently intensified its efforts in this regard. The Government of South Africa has adopted the policy of routinely destroying confiscated illicit arms and, in 1990, a programme was initiated in Cambodia to collect and destroy illicit weapons. Most States, however, have not yet adopted this recommendation as government policy. The problems posed are of particular concern in regions in, or emerging from, conflict, where the practice of storing or selling such small arms and light weapons instead of destroying them expeditiously still appears to be widespread.

Prevention Measures

Recommendation 10. *All States should implement the recommendations contained in the guidelines for international arms transfers in the context of General Assembly resolution 46/36 H of 6 December 1991, adopted by the Disarmament Commission in 1996. (A/52/298)*

In their replies to the Secretary-General in pursuance of General Assembly resolutions 52/38 J and 53/77 E, several States stated that they implement the guidelines adopted by the Disarmament Commission in their arms export control systems. The guidelines contain certain elements which are also reflected in the OSCE Principles Governing Conventional Arms Transfers and the European Union Code of Conduct on Arms Exports. The elements of the guidelines specifically concerned with combating illicit arms trafficking have been implemented through national measures and through regional arrangements among OAS member States, the European Union and associate States, and members of ECOWAS, SADC and East Africa Cooperation.

Numerous member states have both supported and taken steps to implement the guidelines adopted by the Disarmament Commission. The continuing contribution, however, of arms transfers and

unauthorised re-transfers to excessive and destabilising accumulations of small arms and light weapons, and the scale of the problem of illicit arms trafficking, indicates that there is a need for all member states fully to implement these guidelines.

Recommendation 11. *All States should determine in their national laws and regulations which arms are permitted for civilian possession and the conditions under which they can be used. (A/52/298)*

In their replies to the Secretary-General in pursuance of General Assembly resolutions 52/38 J and 53/77 E, some States noted that their national laws and regulations were in accordance with this recommendation. Many States provided detailed information on their laws and regulations for the *United Nations International Study on Firearm Regulation*. This study showed that there are wide differences among States as regards which types of arms are permitted for civilian possession, and as regards the circumstances under which they can legitimately be owned, carried and used. Such wide variations in national laws raise difficulties for effective regional or international coordination. Moreover, many States have yet to determine in their national regulations which arms are permitted or prohibited for civilian possession.

Recommendation 12. *All States should ensure that they have in place adequate laws, regulations and administrative procedures to exercise effective control over the legal possession of small arms and light weapons and over their transfer in order, inter alia, to prevent illicit trafficking. (A/52/298)*

In their replies to the Secretary-General in pursuance of General Assembly resolutions 52/38 J, 53/77 E and 53/77 T, several States stated they had such controls in place. Several States have recently taken initiatives to strengthen such controls nationally, or as members of regional organisations (see sects. C and D above). Most states members of the United Nations have not provided information on this matter. The continuing scale of the problem of illicit arms trafficking and possession in many regions shows that further efforts in this area are required.

Recommendation 13. *States emerging from conflict should, as soon as practicable, impose or reimpose licensing requirements on all civilian possession of small arms and light weapons on their territory. (A/52/298)*

Several countries emerging from recent conflict have made substantial efforts in this regard, including Croatia, El Salvador, Georgia, Mali, Mozambique and South Africa. In many other cases, however, implementation of the above-mentioned recommendation appears to

have been of low priority or to have proved beyond the capacity of the relevant authorities. Where licensing requirements have been reimposed, they have sometimes not been sufficiently stringent to place substantial limits on the availability of small arms and light weapons.

Recommendation 14. *All States should exercise restraint with respect to the transfer of the surplus of small arms and light-weapons manufactured solely for the possession of and use by the military and police forces. (A/52/298)*

A number of States provided information to the effect that they exercise restraint with respect to the transfer of all small arms and light weapons, including surplus arms. Some States stated that they exercise particular restraint in relation to transfers of surplus arms. Awareness of this need remains inadequate, however, and some national authorities continue to exercise insufficient restraint.

Recommendation 15. *All States should consider the possibility of destroying all such surplus weapons. (A/52/298)*

States continue to adopt a wide range of practices in relation to the disposal of their surplus arms. A number of states have destroyed substantial quantities of surplus arms, including small arms and light weapons. The costs of destruction of small arms and light weapons are normally modest. For example, the Government of Sweden has in place a policy of continuous destruction of surplus small arms, leading to the destruction of some 170,000 arms over the past decade. The Government of Germany has destroyed almost one million small arms (i.e., over 70 per cent of the surplus small arms in the country after reunification in 1990), and the Government of South Africa has recently decided to destroy all surplus small arms in its possession. Similarly, the Government of the Netherlands adopted a policy in 1998 to destroy all superfluous small arms. Some States, such as the United States of America and the Russian Federation, distinguish between the destruction of confiscated illicit arms and weapons seized from combatants and weapons in police or military stockpiles that are no longer needed.

Encouragingly, several States have adopted policies to destroy their surplus small arms and light weapons. However, many States have yet to actively consider adopting a policy of destroying such surplus arms.

Recommendation 16. *All States should ensure the safeguarding of such surplus weapons against loss through theft or corruption, in particular from storage facilities. (A/52/298)*

Some missions fielded by the United Nations and regional organisations involved in peacekeeping or implementing peace agreements have improved safeguards against loss of surplus weapons from weapon storage facilities. Overall, however, many States with inadequate safeguards have not substantially increased their efforts since 1997 to prevent the loss of weapons manufactured or stored for their military or police forces. In some regions, the loss of such weapons through theft or corruption continues to add significantly to the spread and illicit trafficking of small arms and light weapons, and in some cases may contribute to the circumvention of United Nations arms embargoes.

Recommendation 17. *The United Nations should urge relevant organisations, such as the International Criminal Police Organisation (Interpol) and the World Customs Organisation, as well as all States and their relevant national agencies, to closely cooperate in the identification of the groups and individuals engaged in illicit trafficking activities, and the modes of transfer used by them.* (A/52/298)

The International Criminal Police Organisation and the World Customs Organisation facilitate cooperation among national police and customs authorities in monitoring and combating illicit trafficking activities, including trafficking related to small arms and light weapons. The Interpol Weapons and Explosives Tracking System database (IWETS) is the only existing international database for stolen and recovered weapons. At present, it is used mainly in relation to weapons involved in crime, and could be used in relation to illicit trafficking in small arms and light weapons where data are available. IWETS has recently been put on a more advanced computer database that is electronically available for use by authorised national officials, and Interpol is making provisions to provide relevant software packages and training to developing countries on request.

There has, thus, been some progress made that contributes to implementing the above-mentioned recommendation. There remains, however, great scope for developing wider and more effective cooperation in this area. Many developing countries lack the capacity effectively to use Interpol services, including IWETS. The international customs codes at present used in relation to transfers of small arms and light weapons appear to cover too wide a category of arms and equipment to facilitate the tracking of arms shipments in transit.

Recommendation 18. *All States and relevant regional and international organisations should intensify their cooperative efforts against all aspects of*

illicit trafficking mentioned in the report of the Panel that relate to the proliferation and accumulation of small arms and light weapons. (A/52/298)

The members of OAS, MERCOSUR, the European Union, the Euro-Atlantic Partnership Council, OAU, ECOWAS, the Southern African Regional Police Chiefs Cooperation Organisation, SADC and East Africa Cooperation have taken substantial steps to intensify their cooperative efforts against illicit trafficking

Substantial progress has therefore been achieved in several regions. Regional circumstances and needs vary, but States in other regions that are not yet involved in such cooperative measures might benefit from appropriate regional or international cooperation.

Recommendation 19. *The United Nations should encourage the adoption and implementation of regional or subregional moratoriums, where appropriate, on the transfer and manufacture of small arms and light weapons, as agreed upon by the States concerned. (A/52/298)*

United Nations departments and agencies played a substantial role in promoting and supporting efforts to establish a moratorium on the importation, exportation and manufacture of light weapons in West Africa. As noted in paragraph 51 above, the Heads of State and Government of ECOWAS declared a three-year Moratorium in October 1998. The United Nations Development Programme is administering the Programme for Coordination and Assistance on Security and Development, which is aimed at supporting the implementation of the Moratorium and associated efforts to promote security and development in West Africa.

The declaration by the ECOWAS Governments of the Moratorium and the measures adopted to implement it were important developments. Implementation of the code of conduct on the implementation of the Moratorium, which is to be adopted in October 1999, will help the international community fully to support the implementation of the Moratorium. Implementation of the Moratorium is expected further to reinforce efforts towards a broad regional programme to tackle the spread of small arms and light weapons and contribute to the consolidation of peace processes.

Recommendation 20. *Other regional organisations should take note, and make use, as appropriate, of the work of the Organisation of American States in preparing a draft inter-American convention against the illicit manufacturing of and trafficking in firearms, ammunition, explosives and other related materials. (A/52/298)*

The Convention has been signed by 32 OAS member States since November 1997. It came into force in July 1998 and, by July 1999, had been ratified by seven States (Bahamas, Belize, Bolivia, Ecuador, El Salvador, Mexico and Peru). The Convention attracted much international attention and support. It was subsequently used in preparing the initial draft for negotiations by the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organised Crime on a legally binding international protocol against the illicit manufacturing of and trafficking in firearms, ammunition and other related materials.

Recommendation 21. *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 report of the Panel. (A/52/298)*

By its resolution 53/77 E, the General Assembly decided to convene an international conference no later than 2001. Matters relating to the conference are discussed in chapter V of the present report.

Recommendation 22. *The United Nations should initiate a study on the feasibility of establishing a reliable system for marking all such weapons from the time of their manufacture. (A/52/298)*

The United Nations has not yet initiated the above-mentioned study. The Governments of Switzerland and Canada have, however, commissioned studies on this question. The feasibility of ways of reliably marking small arms as an integral part of the production process received detailed attention at the workshop hosted for the Group of Experts by the Government of Switzerland in February 1999, and the Group received expert briefings on the issue. Moreover, the marking of weapons at the point of manufacture is already a requirement of many States and of the OAS Convention, and is being addressed in the negotiations on a draft firearms protocol

Recommendation 23. *The United Nations should initiate a study on the feasibility of restricting the manufacture and trade of such weapons to the manufacturers and dealers authorised by States, and of establishing a database of such authorised manufacturers and dealers. (A/52/298)*

In paragraph 5 of its resolution 53/77 E, the General Assembly requested the Secretary-General to initiate a study as soon as possible on the feasibility of restricting the manufacture and trade of small arms and light weapons to the manufacturers and dealers authorised by States. In May 1999, the Department for Disarmament Affairs of the United Nations Secretariat convened a consultative meeting of experts which concluded that a study on this topic, expanded also to cover

brokers, transportation agents and financiers, was feasible and desirable. A report on these conclusions has been submitted to the General Assembly at its fifty-fourth session (A/54/160).

Recommendation 24. *The United Nations should initiate a study on all aspects of the problem of ammunition and explosives. (A/52/298)*

In 1998, the Secretary-General appointed a study group of eight experts on the question of ammunition and explosives. This group met three times during 1998-1999, and its report has been submitted to the General Assembly (A/54/155). The Group of Governmental Experts was kept informed of the progress made by the study group, and received copies of the report before its last session.

IV. FURTHER ACTIONS RECOMMENDED TO BE TAKEN

The Group of Governmental Experts on Small Arms recommends the following further actions be taken by the United Nations, international and regional organisations, and by States.

A. United Nations

The Group recommends that the Security Council take all appropriate measures to ensure the effective implementation of arms embargoes that relate to small arms and light weapons. In this context, the Security Council should consider and follow up any report of violations with a view to ensuring the effective implementation of such embargoes and preventing the illicit transfers of small arms and light weapons that occur in contravention of relevant Security Council resolutions.

The United Nations should, with the assistance of member states in a position to do (including the Group of Interested States established, pursuant to General Assembly resolution 52/38 G), promote and support initiatives to make available systematic information on useful and successful practices and information on available resources with regard to stockpile management, collection and safe storage of small arms and light weapons, and destruction of surplus arms.

With respect to the regions and subregions where conflicts come to an end and where serious problems of the proliferation of small arms and light weapons have to be dealt with urgently, the United Nations should make greater efforts, within its available resources, to extend as appropriate the proportional and integrated approach to security and development initiated and pursued by it in West Africa. In doing so, due consideration should be given to the specific situation of the post-conflict region or subregion.

‘With respect to regions and sub-regions, where conflicts come to an end and where serious problems of the proliferation of small arms and light weapons have to be dealt with urgently, the Group recommends that the United Nations should support, within its available resources, all appropriate post-conflict programmes related to disarmament, demobilisation and reintegration, such as those on the disposal and destruction of weapons.

Given the protracted nature of the crisis in Kosovo, the Group recommends that practical disarmament measures should be developed and adopted in Kosovo related to the collection of small arms and light weapons. Noting with concern that the proliferation of small arms and light weapons in affected regions facilitates the exploitation of children in armed conflict, the Group recommends that the United Nations Children’s Fund and other relevant organisations should enhance their activities with regard to the special needs of such children in post-conflict situations.

The Group takes note of the study on the problem of ammunition and explosives prepared by the study group of experts appointed by the Secretary-General (A/54/155). It encourages the United Nations appropriately to take into account the need to control ammunition and explosives in its activities relating to disarmament, demobilisation and reintegration in the context of peacekeeping.

The Group notes that there is an expanding body of knowledge and experience on marking small arms and light weapons in effective and reliable ways to lessen the possibilities for criminals and arms traffickers to remove identification markings. The Group recommends that the United Nations should, at an appropriate time, initiate a study on the feasibility of establishing reliable and cost-effective ways of marking all such weapons.

The Group recommends that the study on the feasibility of restricting the manufacture and trade of small arms and light weapons to manufacturers and dealers authorised by States, requested by the General Assembly in paragraph 5 of resolution 53/77 E, should be completed in time for it to be considered at the international conference on the illicit arms trade in all its aspects, to be convened no later than 2001. It welcomes proposals that such a study be extended also to cover brokering activities relating to small arms and light weapons, including transportation agents and financial transactions. The study should also address the illicit activities in these fields.

The Group recommends that the Coordinating Action on Small Arms should continue to coordinate relevant activities within the United Nations system relating to small arms and light weapons, and to provide relevant information to member states on a regular basis.

The Group recommends that the United Nations, in cooperation with regional organisations and member states where appropriate, should further facilitate appropriate cooperation with civil society, including non-governmental organisations, in activities related to small arms and light weapons, in view of the important role that civil society plays in efforts to raise awareness of and address the problems associated with such weapons. In this context, the Group welcomes the recent expansion of activities on these issues by nongovernmental organisations.

B. Other International and Regional Organisations

The Group recommends that other international and regional organisations engaged in activities related to development assistance, such as the World Bank and the Development Assistance Committee of OECD, or any other groups of States, should intensify and coordinate their activities with respect to adopting the proportional and integrated approach to security and development in regions of the world where conflicts come to an end and where serious problems of the proliferation of small arms and light weapons have to be dealt with urgently, and should keep the United Nations informed in that regard. Due account should be taken of the specific situation of each region or country in question and the cooperation of the Secretary-General should be sought, where appropriate.

The Group recommends all other regional organisations to take note and make use, as appropriate, of the experience of the European Union and the Organisation of American States in promoting cooperation among their member States in combating illicit arms trafficking and the excessive and destabilising accumulation and transfer of small arms and light weapons. The Group also recommends all other regional organisations to take note, and make use where appropriate, of measures taken by the Economic Community of West African States, part of a post-conflict arms control programme which also includes regional cooperation to combat illicit arms trafficking.

The Group recommends regional organisations to keep the United Nations informed of their activities relating to the problems associated with small arms and light weapons.

C. States

All States should exercise the utmost restraint in transfers of small arms and light weapons and ammunition to areas in which there are ongoing conflicts, and take all possible measures to prevent the diversion of arms transfers to such areas.

In view of the theft of large numbers of weapons from weapons storage facilities in a number of countries, including Albania in 1997, and the subsequent illicit transfer of many of those weapons to neighbouring areas and other regions, the Group recommends that all States should ensure that adequate safeguards are in place to prevent the loss of such weapons through theft, corruption or neglect, in particular from storage facilities

The Group recommends that States in a position to do so should assist other States, at their request, in their efforts to collect and safeguard weapons and to destroy surplus weapons and confiscated or collected weapons.

In addition to the provision of assistance for destroying surplus stocks of small arms and light weapons, some States may need and request assistance with industrial conversion, involving the reduction of production capacities for small arms and light weapons and the development of non-military industries to replace them. States in a position to do so should, where appropriate, consider supporting efforts by other States to carry out such conversion processes.

States should ensure that they have in place laws, regulations and administrative procedures to exercise effective control over the production of small arms and light weapons within their areas of jurisdiction and over the export, import, transit, or retransfer of such weapons, in order to prevent unauthorised manufacture of and illicit trafficking in small arms and light weapons, or their diversion to unauthorised recipients. Applications for export authorisations should be assessed according to strict national criteria that cover all categories of small arms and light weapons, including surplus or second-hand weapons. Such legislative, regulatory or administrative measures could include the use of authenticated end-user certificates, enhanced legal and enforcement measures, as appropriate, to control arms-brokering activities, requirements to ensure that no retransfer of small arms and light weapons takes place without prior authorisation of the original supplier State, and cooperation in the exchange of information on suspect financial activities. States should ensure that they exercise control over

all brokering activities performed in their territory or by dealers registered in their territory, including cases in which the arms do not enter their territory.

To help address the serious problems of illicit circulation and trafficking of small arms and light weapons, States should enhance international and regional cooperation among law enforcement agencies, customs and border control authorities. To this end, States are encouraged fully to use the facilities of Interpol, in particular through timely and complete provision of information to its IWETS database or to any other database that may be developed. Further, States are encouraged to support Interpol, and to contribute to the extent possible to the development of its capacity to assist States in combating the problem of the illicit manufacture of and trafficking in small arms and light weapons.

States that have not yet done so should ensure that manufacturers apply appropriate and reliable markings on small arms and light weapons as an integral part of the production process. These markings should identify the country of manufacture and also provide information that enables the national authorities of that country to identify the manufacturer and serial number, so that the authorities concerned can trace each weapon and cooperate in efforts to combat illicit arms trafficking and undesirable diversions of arms shipments.

All States are encouraged to make available information on the markings they apply to weapons to identify country of manufacture, and to explore the modalities for greater sharing of such information.

States should adopt and enforce all necessary measures to prevent the manufacture, stockpiling, export, import, transit or other transfer of any unmarked or inadequately marked small arms and light weapons. All unmarked or inadequately marked small arms and light weapons that have been collected, confiscated or seized should either be expeditiously destroyed or, where appropriate, adequately marked.

States are encouraged to integrate measures to control ammunition, where relevant, into prevention and reduction measures relating to small arms and light weapons, taking into account the technical differences between ammunition and weapons. In this context, States are encouraged to review the report by the study group of experts appointed by the Secretary-General on the problem of ammunition and explosives (A/54/155).

States that have not already done so should ensure that they have effective legislation, regulations and administrative procedures in place to maintain strict control over the possession, use and transfer of high explosives.

States should work towards the introduction of appropriate national legislation, administrative regulations and licensing requirements that define conditions under which firearms can be acquired, used and traded by private persons. In particular, they should consider the prohibition of unrestricted trade and private ownership of small arms and light weapons specifically designed for military purposes, such as automatic guns (e.g., assault rifles and machine-guns).

States should promote campaigns, where appropriate with the cooperation of civil society, including non-governmental organisations, to raise the awareness of their populations of the dangers associated with the proliferation of small arms and light weapons and illicit arms trafficking.

V. INTERNATIONAL CONFERENCE ON THE ILLICIT ARMS TRADE IN ALL ITS ASPECTS

The General Assembly, in resolution 53/77 *E*, decided to convene an international conference on the illicit arms trade in all its aspects no later than 2001. While decisions will be taken by the General Assembly and by the preparatory committee that will in due course be established, the Group was requested by the Assembly in the same resolution to consider issues relating to the objective, scope, agenda, dates, venue and preparatory committee of this conference. In doing so, the Group took account of the views of member states expressed to the Secretary-General in response to his notes verbales dated 15 April 1998 and 20 January 1999.

The Group recommends that the international conference be known as the Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, so as to clarify that the Conference will focus on small arms and light weapons, in conformity with Assembly resolution 53/77 *E*. In making its recommendations, the Group noted that much of the trade in small arms and light weapons consists of legal transfers to meet the legitimate needs of States for self defence, as embodied in the Charter of the United Nations, and requirements to maintain public security within the rule of law, and the ability to participate in United

Nations peacekeeping operations. The principle of the legitimacy of such legal trade should be respected at the Conference, as should all of the principles embodied in the Charter of the United Nations.

A. Objectives

The Group recommends that the objective of the Conference should be to develop and strengthen international efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects.

To this end, the aims of the Conference should be to:

- (a) Strengthen or develop norms at the global, regional and national levels that would reinforce and further coordinate efforts to prevent and combat the illicit trade in small arms and light weapons in all its aspects;
- (b) Develop agreed international measures to prevent and combat illicit arms trafficking in and manufacturing of small arms and light weapons and to reduce excessive and destabilising accumulations and transfers of such weapons throughout the world, with particular emphasis on the regions of the world where conflicts come to an end and where serious problems with the proliferation of small arms and light weapons have to be dealt with urgently;
- (c) Mobilise the political will throughout the international community to prevent and combat illicit transfers in and manufacturing of small arms and light weapons in all their aspects, and raise awareness of the character and seriousness of the interrelated problems associated with illicit trafficking in and manufacture of small arms and light weapons and the excessive and destabilising accumulation and spread of these weapons;
- (d) Promote responsibility by States with regard to the export, import, transit and retransfer of small arms and light weapons.

Efforts should be made to secure maximum participation in the Conference by representatives of all States and interested international and regional organisations.

In accordance with the provisions of paragraphs 125 and 126 above, the Conference should adopt substantive documents related to agreements reached at the Conference. The various measures outlined in those documents could form an integral part of a comprehensive

Conference document, for example, an international programme of action.

B. Scope

The scope of the international Conference will be the illicit trade in small arms and light weapons in all its aspects.

In this context, the primary focus of attention should be on small arms and light weapons that are manufactured to military specifications. Other types of firearms used in conflicts may, however, also have to be considered in dealing with the problems in the most affected regions of the world; In this overall context, ammunition should also be considered.

With respect to the scope of the term "illicit trade", the Group recommends that the Conference consider all types of illicit transfers of small arms and light weapons. Further,, the Conference should consider the illicit manufacture, acquisition, possession, use and storage of small arms and light weapons, since these are closely linked to illicit transfers of such weapons.

As to the meaning of the illicit arms trade in all its aspects, the Group found that aspects of the issue of legal transfers of small arms and light weapons should be considered by the Conference insofar as they are directly related to illicit trafficking in and manufacture of small arms and light weapons. The Group noted that the illicit trade in small arms and light weapons is closely linked to the excessive and destabilising accumulation and transfer of such arms. The scope of the Conference should therefore not be limited to criminal breaches of existing arms legislation and export/import controls but consideration should be given to all relevant factors leading to the excessive and destabilising accumulation of small arms and light weapons in the context of the illicit arms trade, including those referred to in the report of the Panel of Governmental Experts on Small Arms.

The Group recommends that the conference consider a broad range of measures to reinforce and further coordinate efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons, taking into account section A above and the relevant recommendations contained in chapters III and IV of the present report.

C. Agenda

The Group noted that the items of the agenda of the conference may be derived from the issues referred to in sections A and B above,

taking into account the recommendations offered in chapter IV of the present report, as well as all other issues that the preparatory committee believes that the Conference should consider. The Group expressed its belief that the task of preparing the agenda for the conference should be carried out by the preparatory committee of the conference.

The Group recommends that, in deciding on the timetable for the Conference, the preparatory committee provide opportunities for presentations by representatives of civil society.

D. Dates

The Group recommends that the conference take place at an appropriate time in 2001, taking into account the time required to prepare for the Conference and other major international meetings scheduled prior to it.

E. Venue

The Group recommends that the venue of the conference should be chosen to ensure the widest possible participation of States. The Group welcomed the offer of the Government of Switzerland to host the international Conference, without prejudice to any other offer. The Group recommends that an early decision be taken on the venue in order to facilitate preparations for the Conference.

F. Preparatory Committee

The Group considers that at least two sessions of the preparatory committee will be required to prepare adequately for the conference. Participation in the sessions of the preparatory committee should be open to all States.

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DECLARATION OF A MORATORIUM ON THE IMPORTATION, EXPORTATION AND MANUFACTURE OF SMALL ARMS AND LIGHT WEAPONS IN WEST AFRICA

We, Heads of State and Government of the Economic Community of West African States (ECOWAS),

Considering the purposes and principles of the Revised Treaty of ECOWAS and of those of the Charter of the Organisation of African Unity and the United-Nations,

Considering that the traffic in small arms and light weapons constitutes a destabilising factor for ECOWAS member States and a threat to the peace and security of our peoples,

Considering the resolutions of the United Nations conference on conflict prevention, disarmament and development held in Bamako in November 1996,

Considering the guidelines of the fourth extraordinary meeting of the Authority of ECOWAS Heads of State and Government held in Lome on 17 December 1997 concerning the establishment of a Mechanism for Conflict Prevention, Management and Resolution and the Maintenance of Peace and Security in the sub-region,

Considering the recommendations of the Conference of ECOWAS Ministers of Foreign Affairs, Defence, the Interior and Security held in Yamoussoukro on 11 and 12 March 1998,

Considering the renewed commitment of ECOWAS member States at the Oslo Conference (1 and 2 April 1998) and the international community's support for the proposed moratorium on small arms and light weapons in West Africa,

Considering the results of the meeting of Ministers of Defence, the Interior and Security and those of the meeting of Ministers for Foreign Affairs, held in Banjul from 23 to 24 July 1998 and in Abuja from 26 to 29 October 1998, respectively, and endorsed by us at Abuja on 31 October 1998,

Considering the repeated appeals from the United Nations for disarmament in West Africa, as mentioned in the relevant resolutions of the fiftieth, fifty-first and fifty-second sessions of the General Assembly,

Considering the highly positive attitude of the member States of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies and other arms manufacturers with respect to the proposal for a moratorium on small arms and light weapons in West Africa.

Solemnly and with one voice declare a moratorium on the importation, exportation and manufacture of small arms and light weapons in the member States of the Economic Community of West African States to take effect as from 1 November 1998 for a renewable period of three (3) years,

Instruct the Executive Secretary of ECOWAS, in collaboration with the United Nations system, to convene a meeting of Ministers for Foreign Affairs and experts with a view to the establishment of the operational framework for the measures accompanying the moratorium in the context of the Programme for Coordination and Assistance for Security and Development (PCASED),

Desirous of ensuring the success of the moratorium:

- (a) *We request* the assistance of the Organisation of African Unity, the United Nations and the international community in implementing the programme for Coordination and Assistance for Security and Development;
- (b) *Instruct* the Executive Secretary to convene, in collaboration with PCASED, a conference of Ministers for Foreign Affairs to evaluate the moratorium at the end of the initial period of three (3) years;

In witness whereof, we, Heads of State and Government of the Economic Community of West African States, have signed the present Declaration.

Done at Abuja on 31 October 1998 in a single original copy in French and English, both texts being equally authentic.

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