

Chapter 3

The United Nations

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It was in April 1945 that the victors of World War II and other countries which had declared war on the Axis Powers met in San Francisco to create a new international organisation: the United Nations (UN). Seen as a successor to the ill-fated League of Nations and supported by the United States, whose lack of support had undermined the League of Nations from the beginning, the UN was to be the body which would ensure international peace and security in the wake of World War II. *“The authors of the UN Charter thought that the creation of a stable international society would reduce the need for national armament. To the degree that the Security Council could insure international peace and security, the chances would increase for worldwide arms control. Thus disarmament – or at least arms control – was set out as a principal aim of the new organisation.”*¹

The Charter of the UN, initially signed by forty-eight countries who were deemed peace-loving by the Allied powers, entered into force in October 1945. The chief provisions of the Charter are to maintain international peace and security and to take collective measures for the prevention and removal of threats to peace, to develop friendly relations among nations, achieve international co-operation in solving international problems, and to be a centre for harmonising the actions of nations in the attainment of these common ends (article 1). The Charter created the General Assembly; three councils: the Security Council, the Economic and Social Council (ECOSOC) and the Trusteeship Council; a Secretariat; the International Court of Justice (ICJ); and a multitude of UN programmes and specialised agencies. The latter include the UN Development Programme (UNDP), the World Bank and the International Atomic Energy Agency (IAEA).

The drafters of the UN Charter could not have anticipated the many changes that have taken place since 1945. There has been an increase in membership (currently 185 countries) and with that a change in the

character and interests of members. Success has been achieved in areas that were not even considered in 1945, while the drive towards international peace and security has been more fraught than perhaps was originally anticipated. Today the UN and its agencies are responsible for many conveniences that are taken for granted. Indeed, it is difficult to imagine a world without the UN. Many of its achievements are in the fields of development, economic development and health, but they include treaties and conventions regulating the seas, outer space and nuclear and chemical weapons.

The importance of the UN consists not only in its products, but also in the procedures it undertakes and the topics which appear on the global agenda. As stated by then Secretary of State, George Shultz, “*the United Nations has a unique influence on global perceptions. The United Nations defines, for much of the world, what issues are and are not important and of global concern.*”² This influence has been felt perhaps more strongly in the sphere of international peace and security than any other aspect of the work of the organisation.

The Structure of the UN System

The UN has as its core the General Assembly, the ECOSOC, Security and Trusteeship Councils and the Secretariat. Within the Secretariat there are numerous departments and offices, including the Office of the Secretary-General, the Department for Disarmament Affairs (DDA) and the Department of Peacekeeping Operations (DPKO). In addition, there is the International Court of Justice (ICJ) at The Hague. UN programmes include the UNDP, the UN University, the UN Institute for Disarmament Research (UNIDIR), and the UN Interregional Crime and Justice Research Institute (UNICRI). Autonomous intergovernmental agencies that are within the UN system include the International Labour Organisation, the International Monetary Fund, the World Bank and the World Trade Organisation. With the exception of the IAEA, which reports directly to the General Assembly, all these programmes and specialised agencies are part of the ECOSOC.

The General Assembly meets annually and consists of all member countries of the UN. The primary responsibilities of the General Assembly include authority for the control of the UN budget; apportionment of expenses and

elections to the Security, Economic and Social Councils; appointment of the Secretary-General; and amendments to the UN Charter. The General Assembly also debates, initiates studies, makes recommendations and expresses opinions. Each year the General Assembly discusses a large number of resolutions, more than twenty of which are related to disarmament or arms control.

There are six committees which meet during the General Assembly to discuss current issues and propose and pass resolutions. These committees are: Disarmament and International Security (First Committee); Economic and Financial (Second Committee); Social, Humanitarian and Cultural (Third Committee); Special Political and Decolonisation (Fourth Committee); Administrative and Budgetary (Fifth Committee); and Legal (Sixth Committee). While each committee is important to the functioning of the UN, this chapter will focus specifically on the First Committee with its mandate of issues relating to disarmament and international security.

The Security Council has the primary responsibility for the maintenance of international peace and security. Its activities fall into two categories: the peaceful resolution of disputes and the action with respect to acts of aggression or breaches of peace. The Security Council is comprised of the five permanent members (China, France, Russia, United Kingdom and the United States of America), in addition to which are ten rotating members, selected according to geographic representation. There are currently discussions on expanding the number of permanent members to the Security Council. Each member has the right to vote, but only permanent members have the power of veto. Commonly used during the Cold War period as a political tool, the use of the veto has declined dramatically since 1990.³ The Security Council also votes on resolutions mandating peacekeeping missions and observer missions, and nominates the Secretary-General of the organisation.

Within the Security Council is the Military Staff Committee which advises the Council on practical issues surrounding, for example, the deployment of peacekeeping operations. It furnishes advice on the regulation of armaments and possible disarmament. The articles referring to the Military Staff Committee (articles 45-47) are the only place in the UN Charter where disarmament is specifically mentioned (article 47).

The ECOSOC has as its mandate the promotion of higher standards of living, full employment, and conditions of economic and social progress and development; solutions of international economic, social, health and related problems; and universal respect for and observance of human rights and fundamental freedoms for all. ECOSOC may make or initiate studies with references to the above mandate. It may also refer matters to the General Assembly or other specialised agencies. The Commission on Crime Prevention and Criminal Justice has undertaken, at the request of ECOSOC, a study on international firearms regulation and legislation, the initial results of which were published in May 1997.

There are also a multitude of other agencies which deserve introduction. However, this chapter will focus exclusively on those agencies, committees and departments which have focused in some way on the issue of the control of small arms or light weapons.

Disarmament Bodies and Small Arms

The control of arms and disarmament have found their way into the UN both directly, in article 47 of the Charter, and indirectly through the work of the General Assembly, the Security Council and the Secretary-General. The term ‘disarmament’ in the context of the UN has generally referred to “*a process or action, following a negotiated agreement or undertaken and declared unilaterally, whereby weapons already in existence are dismantled or destroyed or the materials are diverted to peaceful uses*”.⁴ Arms control, on the other hand, has referred to “*a process or action to prohibit or limit the testing, manufacture, stockpiling, transfer, deployment or use of specified weapons or to use them only in reprisal or other defined circumstances*”.⁵

Issues relating to disarmament and arms control have always been high on the agenda of the UN. During the Cold War, with the threat of nuclear war, the focus was on those weapons almost to the exclusion of any others. However, following the invasion of Kuwait by Iraq, it was realised that conventional weapons could also pose a threat to international peace and security. In 1992 the UN Register of Conventional Arms was created. The Register requests members to submit information annually on the import and export of seven categories of weapons: main battle tanks, armoured

combat vehicles, large calibre artillery systems (those with a calibre of 100 mm and above), combat aircraft, attack helicopters, warships with a displacement of at least 750 metric tons, and missiles and missile launchers.⁶ The Register is in essence a confidence-building measure rather than an arms control initiative. There is a strong feeling among some countries that the current categories of weapons are irrelevant to certain regions, for example, sub-Saharan Africa, and that the Register should be amended to include light weapons. However, in two review processes, the most recent completed in August 1997, this approach has not been adopted.

In 1993 the government of Mali requested the assistance of the UN in determining the quantities and types of small arms circulating, their origins and suppliers, and the current use of the weapons; in reviewing national legislation and its enforcement; and in identifying possible roles for the UN and regional organisations in combating the problem. In response, the UN sent an Advisory Mission to Mali in 1994 and to surrounding countries in 1995.⁷ The main finding of these missions was the need to address security concerns before steps could be taken to reduce the number of weapons circulating. This ‘security first’ approach emphasised that the structures necessary to ensure public safety (including police, gendarmerie, national guard and customs) must be in place and operational before steps to control the circulation of weapons could be undertaken. A few of these proposals have been adopted. Notably, there is now a joint commission between Mali, Burkina Faso and Niger to combat cross-border smuggling.⁸ Recommendations were made by the mission, both to the countries visited and to the UN. In response to these, the then UN Centre for Disarmament Affairs (CDA – now the DDA) and the UNDP have been working with one another, and with the government of Mali, to provide technical assistance. This dual-track approach recognises that “*you cannot stop the traffic of small weapons and solve the problem of rebellion ... without development, and you cannot invest in development until you have some security in the region*”.⁹ In 1996 a bonfire was held at which almost 3 000 weapons, collected from former combatants, were destroyed. As noted by the then Under-Secretary-General for Political Affairs, “*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 virtually bringing structural development to a halt and preventing any progress on socio-economic problems.*”¹⁰ The efforts of the government of Mali and others in

the region, together with the UN and its agencies, are directed at breaking this cycle by implementing some of the recommendations of the Advisory Missions and by adopting a 'security first' approach to development. Together with a programme by the Malian government to absorb 2 000 ex-combatants, the UNDP sponsored a programme, called PAREM, which undertook to demobilise and re-integrate the remaining 9 500 ex-combatants. The programme is funded by a UNDP Trust Fund for North Mali, which has almost its full quota of US \$12 million. A UN-sponsored conference on conflict prevention, disarmament and development in Bamako, Mali, recommended a moratorium on the import, export and manufacture of small arms in West Africa. Mali has taken this initiative to the OAU and the Wassenaar Arrangement is also involved in these discussions.¹¹

The UNIDIR undertook a two-year project *Disarmament and Conflict Resolution: Managing Arms During Peace Processes*. Developed from the assumption that weapons left after incomplete disarmament undermine post-conflict reconstruction and development, the project published eleven case studies of collective security operations which included demobilisation and disarmament components.¹² The conclusions of the project are that

*“the establishment of viable stability requires that three primary aspects be included in every approach to intra-state conflict resolution: (1) the implementation of a comprehensive, systematic disarmament program as soon as a peace operation is set-up; (2) the establishment of an arms management program that continues into national post-conflict reconstruction processes; and (3) the encouragement of close co-operation on weapons control and management programs between countries in the region where the peace operation is being conducted”.*¹³

The research conducted by UNIDIR is gradually finding an audience within the UN, and its findings are being quoted in UN reports and resolutions.

However, it was not until 1995, with the publication of then Secretary-General Boutros-Ghali's *Supplement to An Agenda for Peace*, that the issue of small arms really moved into the political sphere of the UN. Prior to his declaration of the need for “*microdisarmament ... practical disarmament in*

the context of the conflicts the United Nations is actually dealing with and of the weapons, most of them light weapons, that are actually killing people in the hundreds of thousands,”¹⁴ the control and disarmament of light weapons had been exclusively a chore relegated to the UN Department of Peacekeeping Operations (UNDPKO) and peacekeeping troops. In part, this was because, despite the consensus that exists on norms against the possession and use of weapons of mass destruction, small arms and light weapons have a legitimate place within a country's security structures. To arrive at what are acceptable and unacceptable levels of accumulation, use and regulation for these weapons is therefore not easy. This meant that the control of conventional weapons remained an issue that was largely dealt with from a technical angle, i.e. disarmament of ex-combatants and the destruction of collected weapons.¹⁵ It is only recently that countries have been willing to debate issues surrounding small arms and light weapons within the more political realm of the General Assembly.

In 1995 several resolutions appeared in the First Committee of the General Assembly which specifically mentioned small arms. These included the resolution sponsored by Japan which established the UN Panel of Experts on Small Arms, a resolution on assistance to states for curbing the illicit trafficking in weapons and measures to curb the illicit transfer and use of conventional arms.

The UN Panel of Experts on Small Arms spent two years collecting information and drafting its report, which was presented to the General Assembly in October 1997. The mandate of the Panel was to prepare 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 destabilizing 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 and destabilizing accumulation and transfer of small arms and light weapons, in particular as they cause or exacerbate conflict”.*¹⁶

The Panel held three regional workshops (South Africa, El Salvador and Nepal) to gain a better understanding of the role of light weapons in regions.

While grappling with the concept of ‘excessive’ and ‘destabilising’ accumulations of weapons, the Panel noted that these are relative phrases, the definition of which will vary by region or country. However, it does identify accumulations of small arms or light weapons that could become excessive and destabilising, namely when inadequate restraint is exercised on the production, transfer and acquisition of weapons beyond those needed for legitimate national defence and internal security; the lack of effective control to prevent the illegal acquisition, transfer or circulation of weapons; and when the use of weapons is contrary to the norms of national or international law. The report goes on to identify causes for the accumulation of weapons, loosely separated into demand and supply factors while recognising the grey area between the two. Specific causes include:

- supply of weaponry to Cold War opponents;
- terrorists and insurgency movements;
- loss of state control over security functions;
- incomplete disarmament and reintegration of ex-combatants;
- a culture of weapons within society;
- surplus stocks that are not destroyed or adequately controlled; and
- the supply of weapons to citizens during conflicts.

The recommendations of the panel have focused on “[*measures*] to reduce the excessive and destabilizing accumulations and transfers to small arms and lights weapons ... and measures to prevent such accumulations and transfers from occurring in the future.”¹⁷ Thus there are two particular aspects to the procedures relating to the control of weapons proliferation. Specific recommendations include:

- supporting post-conflict initiatives related to disarmament and demobilisation, including the disposal and destruction of weapons, and weapons turn-in programmes;
- strengthening of international and regional co-operation among police, intelligence and border control officials in combating weapons proliferation;
- establishment of regional networks for information sharing;
- collection and destruction of weapons that are illegal or surplus;
- existence in countries of adequate laws, regulations and administrative procedures for control of civilian-owned weapons;

- implementation of regional or sub-regional moratoriums on the transfer and manufacture of small arms and light weapons; and
- initiation of a UN study on ammunition and explosives.¹⁸

In May 1996 the UN Disarmament Commission (UNDC) released its *Guidelines for International Arms Transfers* (see Annex 1). Open to all UN member states, the UNDC was established as an alternative to the Conference on Disarmament which has limited membership. Each year the UNDC selects items on which it will hold discussions and over the course of two to three years prepares a report or guidelines. The recommendations of the UNDC on the arms transfer guidelines include the implementation of national measures to combat the illicit trafficking of arms: ensuring an adequate system of national laws and regulations on arms transfers, an effective import and export licensing procedure, adequate numbers of customs officials and defining which weapons are legal for civilians and which can only be held by military and police forces. The Commission also made recommendations on international initiatives that could be undertaken, including: the use of verifiable end-user certificates; co-operation bilaterally and multilaterally to share available information on trafficking of arms, their detection and the co-ordination of intelligence information; increased co-operation among countries in the development of controls to curb the activities of arms traffickers; and the overseeing of international arms dealers, with a view to preventing their engagement in illicit arms trafficking. The 1996 guidelines were the first foray by the UNDC into conventional weapons. In 1997 it adopted as an agenda item a study on guidelines on conventional arms control/limitations and disarmament.

The increase in the number of items on the agenda of the First Committee also reflects the growing interest and concern of countries who have small arms. In 1997, the Secretary-General prepared a report on the consolidation of peace through practical disarmament measures.¹⁹ This report discusses the recent decision by the current Secretary-General, Kofi Annan, to enlarge the CDA into the DDA. The significance of this decision should not be overlooked. It shows a seriousness on the part of the UN to begin actively to address an issue of concern among certain member countries. Moreover, it increases the political weight behind the Department, which is no longer headed by a director, but is now controlled by the Under-Secretary-General, Jayantha Dhanapala.

The DDA, and indeed the UN Secretariat, are hampered in their attempts to approach issues proactively, as the activities of the Department derive from the work of the General Assembly. During the Cold War, the then-CDA's work included preparation for the annual General Assembly and running extension and review conferences for various arms control treaties and conventions. With the advisory mission to Mali and the surrounding countries and the creation of the Register of Conventional Arms and the UN Panel on Small Arms, these activities have expanded. It is to be hoped that eventually the DDA in its new form will be able to identify and respond to disarmament and arms control issues more actively.

Other UN fora have also been involved in furthering UN work on issues related to small arms. Specifically, the UN Commission on Crime Prevention and Criminal Justice has initiated an on-going project on national firearms regulation. The first report of the experts group was released in 1997. It draws on the expertise and experience of law enforcement and intergovernmental agencies to produce a comparative view of firearms regulation and legislation globally.

The Crime Commission appointed an advisory group to develop and distribute a questionnaire for member states to gather information on legislation, regulation, use, trade and manufacture, trafficking, policy and public education initiatives. The focus of the Commission's report is on civilian-owned firearms, as opposed to that of the UN Panel on Small Arms which looked at military-style weapons. The main findings of the Commission's report include the following:

- the lack of effective firearms regulation in one country can undermine regulatory efforts and governance in neighbouring countries;
- import and export controls need to be combined with other measures for effective control over firearms smuggling; and
- the effective regulation of firearms necessitates the co-operation of not only government departments, but also business, media, law enforcement and citizens;
- that transnational trafficking of firearms is an issue of serious concern and contributes to homicide, violent crime, suicide and accidents involving firearms.²⁰

Recommendations of the Commission included the need for regulations to improve the safe storage and use of firearms, penalties for serious offences

involving the misuse of firearms, amnesty or other types of programmes for the surrender of illegal, unsafe or unnecessary firearms, and the active tracing of recovered illegal firearms. The Commission has been holding a series of regional workshops to gather more information on firearms regulation and to bring together practitioners. The UN has proposed that a meeting be held in 1998 to discuss the outcome of these workshops and to formulate a plan of future work for the Commission on this issue.

The work of the Commission and that of the UN Panel of Experts on Small Arms were kept distinct for a host of reasons, yet communication did take place between the two groups and information and recommendations were shared. While not ideal, these *ad hoc* interactions represent a first step towards the greater integration of the activities of the UN bodies, setting an example for other groupings to follow – and perhaps improve upon.

Endnotes

- 1 P Baehr and L Gordenker, *The United Nations in the 1990s*, St Martin's Press, New York, 1992, p. 94.
- 2 As quoted in L Finkelstein (ed), *Politics in the United Nations System*, Duke University Press, Durham, NC, 1988, p. 42.
- 3 "Decisions on procedural matters are made by an affirmative vote of any nine members. Decisions on other matters are made by an affirmative vote of nine members, including the concurring votes of the five permanent members of the Council, providing that a party to a dispute shall abstain from voting with respect to measures for the pacific settlement of that dispute." New Zealand Ministry of Foreign Affairs and Trade, *United Nations Handbook 1995*, Ministry of Foreign Affairs and Trade, Wellington, New Zealand, 1995.
- 4 S Bailey and S Davis, *The United Nations: A Concise Political Guide*, 3rd ed., Macmillan, London, 1995, p. 72.
- 5 *Ibid.*
- 6 For information on the development of the UN Register, see H Wagenmakers, *The UN Register of Conventional Arms: A New Instrument for Cooperative Security*, *Arms Control Today*, vol. 23, no. 3, April 1993.
- 7 Countries visited by the Advisory Mission were Algeria, Burkina Faso, Chad, Côte d'Ivoire, Mali, Mauritania, Niger and Senegal.
- 8 For a more detailed description of the UN Advisory Mission and the proposed recommendations, see I Fung, *Control and Collection of Light Weapons in the Sahel-Sahara Subregion: A Mission's Report*, paper presented to the workshop on "A New Agenda for Disarmament and Arms Control", UN, 8 November 1995 (available from the Bonn International Center for Conversion, <http://bicc.uni-bonn.de/weapons/events/micro/fung.html>).

- 9 P Davinic, *Press Briefing by Director of Centre for Disarmament Affairs*, UN, New York, 3 April 1996.
- 10 M Goulding, *Statement made to the First Committee of the UN General Assembly*, New York, October 1994.
- 11 The Wassenaar Arrangement is the successor organisation to COCOM. Participating countries exchange aggregate data on transfers and denial of transfers on dual-use technology and conventional arms. Currently, the information exchanged on conventional arms is derived from the seven categories of the UN Register of Conventional Arms.
- 12 UNPROFOR (Yugoslavia), UNOSOM and UNITAF (Somalia), UNAVEM (Angola), UNTAC (Cambodia), ONUSAL (El Salvador), ONUCA (Central America), UNTAG (Namibia), ONUMOZ (Mozambique), UNOMIL (Liberia), UNMIH (Haiti) and the 1979 Commonwealth Operation in Rhodesia.
- 13 V Gamba, *Project Introduction in Managing Arms in Peace Processes: The Issues*, UN, Geneva, 1996, pp. xiv-xv.
- 14 B Boutros-Ghali, *A Supplement to An Agenda for Peace*, UN, New York, January 1995 (A/50/60), para 63.
- 15 For a complete discussion of disarmament during peacekeeping operations, see the UNIDIR series *Managing Arms during Peace Processes*, UNIDIR, Geneva, 1995-1997.
- 16 UN General Assembly, *General and Complete Disarmament: Small Arms*, UN, New York, 1997 (A/52/298), p. 7, para. 1.
- 17 *Report of the Panel of Governmental Experts on Small Arms, Basic Reports No. 59*, British American Security Information Council, Washington, D.C., p. 5.
- 18 *Ibid.*
- 19 UN General Assembly, *General and Complete Disarmament: Consolidation of peace through practical disarmament measures, Report of the Secretary-General*, UN, New York, 1997 (A/52/289).
- 20 UN, *Criminal Justice Reform and Strengthening of Legal Institutions: Measures to Regulate Firearms*, ECOSOC, UN, Vienna, 7 March 1997 (E/CN.15/1997/4), Annex 1.