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United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

9-20 July 2001

Summary record of the 10th meeting

Held at Headquarters, New York, on Saturday, 21 July 2001, at 12 noon

President: Mr. Reyes Rodríguez (Colombia)

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01-47123 (E)



The meeting was called to order at 12.15 p.m.

Adoption of the final document of the Conference (A/CONF.192/L.5/Rev.1)

1. **The President** invited the Secretary-General of the Conference to comment on the Draft Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF.192/L.5/Rev.1).

2. **Mr. Honwana** (Secretary-General of the Conference) drew attention to a number of editorial corrections in chapter II, paragraphs 11, 19 and 44 and in chapter III, paragraph 17.

3. **Mr. Calhoun** (United States of America) said that his delegation would have preferred to present the draft text to its capital for review. He had understood that would not be possible, but was under instructions to consider the document ad referendum until it had been reviewed.

4. **Mr. Ngoh Ngoh** (Cameroon) requested the inclusion, among the initiatives listed in the annex, of the subregional conference on the proliferation of and illicit traffic in small arms and light weapons in Central Africa that had been held from 25 to 27 October 1999 in N'djamena, Chad.

5. **The President** said that the Secretary would take note of that statement.

6. **Mr. Noboru** (Japan) said that in chapter III, paragraph 3, the words "the Small Arms Fund" should be changed to "small arms funds."

7. **Mr. Durrani** (Pakistan) said that his delegation, and that of India and Sri Lanka, were unaware of the conference entitled "Countering Small Arms and Light Weapons Proliferation in South Asia" and believed that it was not advisable to include it in the annex.

8. **Mr. Maandi** (Algeria) said that the word "support" in chapter III, paragraph 9, was reflected as "*contribuer*" in the French version; he did not believe that carried the same meaning.

9. **Mr. León González** (Cuba) said that the word "illegal" in chapter II, paragraph 3, was not reflected in the Spanish text.

10. **Mr. Diakite** (Mali) observed that in paragraph 18 of chapter I, the French text spoke of "*initiatives*

prises", and the English text referred to "ongoing initiatives", which did not have the same meaning.

11. **Ms. Hand** (United Kingdom), after suggesting several editorial changes in chapter II, paragraphs 14, 18 and 41, requested the insertion, in the annex, of the Lancaster House Policy Brainstorming Seminar on Small Arms and Light Weapons, held on 13 and 14 February 2001.

12. **Mr. Cheng JinYE** (China) said that in chapter IV, paragraph 1 (a) of the Chinese text the reference should be to the "fifty-eighth session" of the General Assembly.

13. **Mr. Mohammed** (Iraq) noted that in chapter II, paragraph 16, the word "decided", which had appeared after the word "embargo", had been omitted from the text.

14. **Mr. Charasse** (France) said that in chapter II, paragraph 7, his delegation preferred the word "*unique*" in place of the word "*distinctif*". In addition, throughout the document, the word "brokering" should be translated as "*courtage*" rather than as "*negoces*".

15. In chapter II, paragraph 27, the fourth line should begin with the words "*et éliminer le commerce illicite des armes légères sous tous ses aspects*".

16. **Mr. Calhoun** (United States) recalled that in chapter I, paragraph 6, it had been agreed to insert the word "simultaneously" after the word "combating". In paragraph 9 of the same chapter, the word "also" should appear after the word "Reaffirming".

17. He inquired whether the word "illegal", which appeared in chapter II, paragraph 3 of the English text was intended, since its equivalent did not appear in the Spanish text. His delegation would like it to be retained. If he remembered correctly, chapter II, paragraph 44 should read "To promote dialogue on a culture of peace". The phrase "dialogue and a culture of peace" did not make sense.

18. **Mr. Kunz** (Switzerland) said that, according to his delegation's notes, the word "brokering" should have been deleted from chapter II, paragraph 8.

19. **Mr. Atieh** (Syrian Arab Republic) observed that the word "illicit" had mistakenly been deleted from chapter I, paragraph 20 of the Arabic text.

20. **Mr. Khairait** (Egypt) pointed out that the footnote to chapter I, paragraph 21 (d) in the Arabic

text should be brought into line with the English text and that the footnote number should appear at the end of the paragraph.

21. **Mr. McDougall** (Canada), responding to the delegation of Iraq, said that his delegation's notes did not include the word "decided" in paragraph 16 of the preamble (chapter I). The inclusion of that word did slightly change the meaning. He wondered whether other delegations had that word in their notes.

22. Responding to the United States, he said that he had inquired, during the previous plenary drafting session, whether the drafter had meant to use the word "on" or the word "and" after "dialogue", and that representative had replied that he had meant to use "and".

23. **Mr. Flores** (Peru) said that the words "disposition or use" in the third line of chapter II, paragraph 17 of the English text should be translated simply as "*disposición o uso*". As it stood, the paragraph made no sense in the Spanish text.

24. **Mr. León González** (Cuba) said he did not believe the words "*condigan con*", in chapter II, paragraph 11, adequately reflected the words "consistent with" in the English text.

25. **Mr. Ben Youssef** (Tunisia) said that in chapter II, paragraph 43 of the Arabic text, the translation into Arabic of the word "illicit" was incorrect.

26. **The President** said that any further editorial comments should be transmitted directly to the Secretariat. He took it that the participants wished to adopt the Draft Programme of Action as contained in document A/CONF.192/L.5/Rev.1, subject to editorial corrections. The final text would be reproduced in the report of the Conference.

27. *It was so decided.*

Adoption of the report of the Conference to the General Assembly (A/CONF.192/L.6)

28. **The President** drew attention to the draft report of the Conference (A/CONF.192/L.6.) and asked delegations to submit directly to him or to the Secretariat any corrections or additions of a procedural nature that they might wish to make. He suggested that the Conference should authorize him to complete the report in conformity with the standard practice of the United Nations, with a view to its submission to the

General Assembly of the United Nations at its fifty-sixth session.

29. **Ms. Arce de Jeannet** (Mexico) said that her delegation would like to add a statement to paragraph 23 to reflect, in a factual manner, the discussion held regarding the Draft Programme of Action, as follows:

"The Conference discussed the Draft Programme of Action, including paragraphs 15 and 22 of chapter II. The Conference was not able to reach an agreement on those two paragraphs."

30. **Mr. Sorreta** (Philippines) said, first, that he wondered whether the report should reflect, in a factual manner, the fact that a delegation had given only an ad referendum approval to the Draft Programme of Action.

31. Secondly, he would like more information to appear in the report concerning the deliberations of the high-level segment, which had been an important part of the Conference, and had been chaired by Mr. Donowaki, the Japanese representative. It would perhaps be useful to consult the summary records of the plenary sessions, in particular the statements made by Japan.

32. **Mr. Gregori** (Brazil) said he supported the proposal of Mexico. The name of his country had been omitted from paragraph 7 of the draft report.

33. **Mr. Calhoun** (United States) said that his delegation could not support the proposal of Mexico; to reflect only the disagreements would give a one-sided picture of what had occurred at the Conference.

34. **Ms. Arce de Jeannet** (Mexico) said that, in order to satisfy the concern raised by the United States, she would propose the following alternate revision: "The Conference discussed the Draft Programme of Action and reached an agreement on all paragraphs contained in document A/CONF.192/L.5, with the exception of paragraphs 15 and 22 of chapter II."

35. **The President** reminded participants that he would deliver an address to the Conference and include a statement of his own in the report, both of which would reflect the matter currently under discussion.

36. **Mr. León González** (Cuba) said that while his delegation was certain that the President would accurately reflect the debate that occurred during the Conference, it supported the insertion proposed by Mexico.

37. **Mr. Calhoun** (United States) said that he did not believe that the proposed insertion reflected, in a balanced way, what had actually taken place. He would be willing to work with the representative of Mexico to formulate a statement that both delegations could accept.

38. **Ms. Arce de Jeannet** (Mexico) said that her delegation was willing to accept the President's proposal, and was confident that he would reflect the evolution of the debates and the manner in which the Conference had reached agreement on the Draft Programme of Action.

39. **The President** said that, as he heard no objections, he took it that the Conference wished to adopt its draft report, authorizing him to finalize it for submission to the fifty-sixth session of the General Assembly.

40. *It was so decided.*

Closure of the Conference

41. **The President** said that the Conference had taken a significant step forward in addressing one of the most urgent problems of international peace and security. Delegations had been able to put aside their many differences and reach a consensus on all parts of a Programme of Action to combat that collective threat, or rather on all parts but two of the most important, for which there had been overwhelming support.

42. While congratulating all participants for their diligence in reaching that new consensus, he felt compelled to express his disappointment over the Conference's inability, due to the concerns of one State, to agree on language recognizing the need to establish and maintain controls over private ownership of those deadly weapons and the need for preventing sales of such arms to non-State groups.

43. The States of Africa, the region most afflicted by that global crisis, had agreed with the greatest reluctance to the deletion of proposed language addressing those vital issues relating to the illicit trade in small arms and light weapons. They had done so in the interests of reaching a compromise that would permit the world community as a whole to proceed together with some first steps at the global level to alleviate that common threat. They had done so without in any way compromising their commitment to continue their efforts to address that problem, a

problem that must be addressed, as the title of the Conference demanded, in all its aspects. That position had been supported by many States outside the region, and had been also a view that he shared.

44. As several delegations had requested, he would include his statement in the report on the Conference that would be sent to the General Assembly. He hoped that the statement would help future efforts both within civil society and among all States to address the illicit trade in small arms and light weapons in all its aspects, until the conscience of humanity was at long last satisfied that all that could be done had in fact been done to alleviate that global tragedy.

45. **Mr. Carlos dos Santos** (Mozambique) congratulated the President for the excellence of his leadership, in particular during the most trying moments of the deliberations. Although the national, regional and global measures contained in the Programme of Action represented a significant contribution, it was now essential for all relevant actors and State bodies to work together.

46. The participants had shown that, despite strong differences, the intended objective could be reached. The Conference had once again demonstrated the value of the United Nations, and had strengthened his delegation's confidence in that institution. As a representative of one of the affected regions, he would leave with the sense of having contributed towards fulfilling the objectives of the Bamako Declaration.

47. **Mr. Rowe** (Sierra Leone) said that the Conference had been a success because for the first time the countries of the world had gathered together to combat one of the deadliest scourges of the time. The Conference should be judged not on the failure to adopt two of the paragraphs of the Programme of Action, but on the quality of the paragraphs that had been adopted, which successfully defined and articulated the seriousness of the problem of small arms and light weapons, in particular the illicit trade in and the excessive accumulation of such weapons. All Governments had undertaken a serious commitment to consider all aspects of the problem, including marking, brokering, transfer, stockpile, possession and financial and technical assistance. Old attitudes towards the matter of small arms and light weapons would never be the same again; there was no turning back.

48. As one of the countries most affected, Sierra Leone was satisfied that its concern about certain

substantive issues calling for concrete action had been heard. It was also gratified that almost all participants had given their assurance that they were ready to work with Sierra Leone to resolve that problem. His delegation had appreciated, in particular, the supportive stance of Japan and the European countries. It took particular comfort in chapter I, paragraphs 12 and 13, which recognized that Governments bore the primary responsibility for preventing, combating and eradicating the illicit trade in small arms and light weapons, and emphasized the urgent necessity for international cooperation, including financial and technical assistance.

49. **Mr. Lint** (Belgium) read out an interpretative statement regarding chapter II, paragraph 13, of the Programme of Action, as follows: "The European Union believes it essential that agreements containing non-re-export assurances be concluded for transfers of small arms and light weapons. Consequently, the European Union interprets chapter II, paragraph 13, as in no way affecting the validity of or the compliance with such agreements".

50. Although the European Union would have preferred a more ambitious result, it was often necessary, during negotiations, to strike painful compromises. Moreover, the European Union supported the courageous decision of the African countries to reach consensus on a text which would, it was hoped, start the process of combating the illicit trade in small arms and light weapons and launch initiatives in such areas as marking, tracing and brokering, and, above all, in the area of assistance to those areas of the world most affected, particularly Africa. The participants in the Conference had calmly, and with good humour, taken part in tense and difficult deliberations; he hoped and expected that the multilateralism to which all participants ascribed would surmount those difficulties, and that the goal of all would be achieved. Finally, he would like to share the message from a Chinese fortune cookie he had received at dinner the night before: "Partnership may be difficult, but it is more honourable than dominance".

51. **Mr. de Alba** (Mexico) said that his delegation associated itself fully with the President's statement, and shared his concern and frustration. It also shared his satisfaction with the Programme of Action, which, although not as ambitious as had been hoped, would surely contribute to efforts to combat the illicit trade in small arms and light weapons. His delegation was

frustrated because agreement had been reached with all delegations but one. It was gravely concerned because it had participated on the principle of agreement by consensus, a process which should never allow the will of a single delegation to hamper the purpose of all others. If the multilateral approach was to grow in strength, that was an issue that must be seriously reconsidered. Consensus required that all participants should contribute and also compromise. Otherwise, the validity and usefulness of the consensus process within the United Nations would have to be questioned.

52. His delegation was pleased with the substantial achievements of the Conference, and frustrated by the equally substantial failure to reach agreement on two specific topics: civilian ownership and sales to non-State actors. Those elements were crucial to the achievement of the Conference's objectives. There had been no intention to impose a vision on any country, or to alter the internal order of any country. The intention had been to tackle a global issue through collective effort.

53. **Mr. Bar** (Israel) welcomed the adoption of the Programme of Action. As individuals and States alike bore the grave consequences of terror and organized crime, which were fuelled and aided by the illicit traffic in small arms, ammunition and explosives, efforts by the international community were both urgent and vital. The Programme of Action was a major step, but by no means the final one.

54. Israel hoped that the political obligations undertaken in that text would be implemented universally, sincerely and rapidly, and that that dangerous phenomenon would be combated continuously on a national and international level with utmost diligence. However, it disassociated itself from the reference made in the Programme of Action to the principle of self-determination. It believed that the reference to that principle was outside the scope of the mandate of the Conference, and could mistakenly be considered a legitimization of the illicit traffic in small arms and their use, thus inducing terrorism under the pretext of self-determination.

55. **Mr. Thapa** (Nepal) said that much — though not all — had been achieved at the Conference. The inclusion of the subject of marking was paramount. It was unfortunate that two vital elements — sales to non-State actors and private ownership of arms — had had

to be abandoned. That was, however, only the first attempt.

56. **Mr. McDougall** (Canada) said that while the Programme of Action did not include everything that Canada would have liked to see in it, all delegations were undoubtedly going home with some of what they needed, and some of what the world needed to resolve the pressing problems of small arms.

57. Canada considered the Programme of Action to be of such importance that it had joined the consensus on chapter I, paragraph 7, in spite of its strong view that the paragraph reflected an unbalanced and, in places, inaccurate representation of the purposes and principles of the Charter of the United Nations. Canada could not, therefore, consider that paragraph as a precedent for a future work at the United Nations or elsewhere.

58. Moreover, the follow-up actions listed in chapter IV, paragraph 1, should not be considered in any way exhaustive. Many other activities, at the national, regional and global levels, were noted in chapters I, II and III, and States might wish to carry out other initiatives. In that regard, Canada looked forward to enhanced cooperation with other States in realizing the important goals set in the Programme of Action.

59. **Mr. Khairait** (Egypt), speaking on behalf of the members of the League of Arab States, commended all delegations for their flexibility; the African States in particular had taken courageous positions. He hoped that follow-up activities would be carried out, with a view to putting an end to the illicit trade in small arms and light weapons.

60. **Mr. Cheng** Jingye (China) said that his delegation shared the view that the Conference had achieved great success; it could, however, have achieved greater success. That success resulted from the flexibility and constructive spirit of the participants; the African States had made an important contribution in that regard. The Programme of Action was an important step towards resolving the problem of small arms and light weapons; China would like to join with other States in working to implement that document as soon as possible.

61. **Mr. Kunz** (Switzerland) said that the consensus decision to adopt the Programme of Action had anchored the issue of small arms in the international agenda; emphasized the complexity of the issue and the

need to take action in a number of areas; and provided for a realistic and yet ambitious follow-up. Switzerland could not deny that it had been hoping for a stronger document. The difficulties encountered during the negotiations had shown that the small arms issue had far-reaching implications that called for careful consideration. The acknowledgement of those implications had been an encouraging sign of pragmatism.

62. His delegation was pleased, as was the French delegation, that the document addressed the issue of tracing, marking and record-keeping, as well as the need to take further action in those areas. That would encourage their two States to continue their efforts to develop the French-Swiss initiative. They had been encouraged by the great support they had received after the adoption of that initiative, and looked forward to cooperating with all other States.

63. **Mr. Diakite** (Mali) said that his delegation profoundly appreciated the spirit of collaboration and cooperation that had guided the various participants of the Conference. The key word of the new century must be international cooperation, because the world was a global village. Of course, like all human works, the document that had been adopted could be improved upon.

64. **Mr. Hoang** Chi Trung (Viet Nam), speaking on behalf of the Asian delegations, said that the Conference marked a good beginning in addressing and in coming to terms with the illicit trade in small arms and light weapons. The Asian delegations pledged to give their full support to the implementation of the Programme of Action, and hoped that the countries of the world would closely cooperate to that end.

65. **Mr. Taapopi** (Namibia), speaking on behalf of the member States of the South African Development Community (SADC), said that they had come to the Conference hoping for smooth progress, and were departing with the sense that they had lost the battle but not the war. They were confident, however, that one day they would emerge victorious. They welcomed, moreover, the solidarity with Africa, and with SADC in particular, that so many delegations had expressed.

66. **Mr. Vassilev** (Bulgaria), speaking on behalf of the Eastern European Group, read out a concluding note that expressed their gratitude to all parties and their appreciation for the atmosphere of cooperation

and flexibility in which the participants had formulated and concluded the final document.

67. Speaking on behalf of Bulgaria, he said that he had received word that morning that the Bulgarian Ministry for Foreign Affairs and the State Department of the United States had signed an agreement on cooperation in the destruction of the over 77,500 surplus weapons in that country.

68. **Mr. Coutts Smart** (Chile), speaking on behalf of the member States of the Rio Group, said that a commitment had been made to the development of a feasible action plan, and that a delicate and painful negotiation had taken place in order to achieve that purpose. The member States of the Rio Group, which were considerably affected by the scourge of small arms and light weapons, agreed with other delegations that the utmost should be done to preserve all that had been achieved thus far.

69. **Mr. León González** (Cuba), after noting that his delegation, and that of Mexico, fully associated themselves with all elements of the President's statement, said that almost all States represented at the Conference had shown flexibility and willingness to compromise on issues vital to them. However, on the issue of regulating the private ownership of arms and restricting the sale of such weapons to Governments, the overwhelming majority of delegations had been held hostage by one delegation on the basis of interests that were extraneous to the matter under discussion. Cuba would continue to take all the necessary measures to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects, including by implementing the Programme of Action; it was ready and willing to cooperate with all States.

70. Cuba's participation in the decision to encourage the Security Council to study the possibility of including provisions for disarmament, demobilization and reintegration in the mandates and budgets of peacekeeping operations, as expressed in chapter II, paragraph 38, of the Programme of Action, did not mean that it believed that such a reference belonged in the Programme of Action or that it would automatically support that type of action. His delegation would like that comment to appear in the report of the Conference.

71. **Mr. Noboru** (Japan) observed that in order for a consensus to be reached, many delegations, particularly those of the African States, had had to make enormous compromises. He could only imagine how saddened

and disheartened they must have been to make that grave and difficult decision. The best way to heal their wounds would be for all parties to redouble their efforts to combat the illicit trade in small arms and light weapons, and to reduce excessive accumulation thereof.

72. All delegations must work to implement the Programme of Action. As Japan exported no weapons of any kind to any country, it could do little in that respect. Instead, it would contribute by assisting the United Nations Department for Disarmament Affairs, and hosting the international conference to promote the implementation of the Programme of Action, which would take place in early 2002.

73. **Mr. El Kadiri** (Morocco) observed that, in spite of the gaps and imperfections in the adopted text, the Conference had succeeded in laying the foundations for an irreversible process aimed at combating the illicit trade in small arms and light weapons; in particular, it had helped to confirm the idea that multilateral efforts must be characterized by responsibility and realism.

74. **Mr. Kahende** (Kenya), speaking on behalf of the 10 States involved in the Nairobi Initiative on Small Arms and Light Weapons for State and Human Security, said that, while satisfied with the results of the Conference, they were disappointed that consensus had not been reached on two key issues, sales of arms to non-State actors and private ownership of weapons. To them the issue of non-State actors was critical. One had only to look at such places as Rwanda, Somalia, and the Democratic Republic of the Congo to see the problems relating to small arms. They hoped that it would be possible seriously to tackle that issue during the follow-up process.

75. **Mr. Du Preez** (South Africa) said that the Non-Aligned Movement considered the Programme of Action to be a realistic, implementable and comprehensive approach to resolving the problems associated with the illicit trade in small arms and light weapons. The fact that the President of the Conference was from one of the States of the Non-Aligned Movement was, in his view, an important symbol.

76. **Mr. Calhoun** (United States) said the United States was committed to addressing the issue of small arms and their devastating consequences, especially in conflict regions, and it would stay in the struggle until the battle was won. In its view, the Programme of Action would serve as a solid basis for a robust small

arms and light weapons regime, and should begin to have an immediate effect on relieving suffering in the affected regions. The United States looked forward to working constructively with other States in the implementation of the Programme of Action, and during the follow-up process.

77. **Mr. Doura Cherif** (Guinea), observing that no human creation was perfect, said that his delegation hoped that the entire international community would undertake a commitment to seek the ways and means of reaching a better consensus, so that weapons would be silenced in all parts of the planet. Guinea was fully prepared to participate in the human cooperation that was the very substratum of peace and a better world.

78. **Mr. Ogunbanwo** (Nigeria) said that the members of his delegation were satisfied that the Programme of Action contained important elements that would help to resolve problems on the ground. The Programme must now be implemented. His delegation looked forward to the continuing leadership of the United Nations.

79. **The Chairman** declared the Conference closed.

The meeting rose at 3.10 p.m.