



12 April 1999

Original: English

Disarmament Commission

1999 substantive session

New York, 12–30 April 1999

Agenda item 6

**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**

Chairman's working paper

Contents

	<i>Page</i>
I. Introduction	2
II. Scope	3
III. Principles	3
IV. Practical disarmament measures in post-conflict situations	4
V. Confidence-building in post-conflict situations	6
VI. Regional and international financial and technical assistance	6
VII. Other conventional arms control/limitation and disarmament principles and measures	7
VIII. The role of the United Nations	9

I. Introduction

1. The conflicts of today highlight, on the one hand, the need for a comprehensive and integrated approach towards certain practical disarmament measures in post-conflict situations, particularly with regard to small arms and light weapons, and, on the other hand, the need for further initiatives in the area of conventional arms control/limitation. The illicit arms trade, in all its aspects, and the resulting excessive accumulation of such weapons, continue to have a disproportionately large effect on the internal security and socio-economic development of affected States.

2. This excessive and destabilizing accumulation of weapons, in particular small arms and light weapons, not only threatens national, regional and international security, prolongs conflicts, hampers conflict resolution and erodes negotiated peace settlements, but can be linked to intra- and inter-State crime, terrorism, violence and lawlessness. The consequences for the economic and social development and for the humanitarian situation in the countries and regions concerned are often devastating.

3. The consolidation of peace, particularly in post-conflict situations, can best be achieved by a combination of preventive and reductive measures:

(a) In the case of preventive measures, the objective should be to scale down over time the numbers of small arms and light weapons to a level that corresponds to a country's legitimate self-defence and security interests to be defined by countries themselves;

(b) The purpose of reductive measures is the speedy removal of excessive quantities of surplus weapons through their collection and destruction.

4. In the case of both sets of measures, the international community is encouraged to provide assistance in support of national and regional actions. A key objective in the consolidation of peace is to allow the administrative capacity and infrastructure that were damaged during the conflict to be rebuilt in a process of conversion from a society at war to a society at peace. As the Secretary-General has stated:

“Societies that have emerged from conflict have special needs. To avoid a return to conflict while laying a solid foundation for development, emphasis must be placed on critical priorities such as encouraging reconciliation and demonstrating respect for human rights; fostering political inclusiveness and promoting national unity; ensuring the safe, smooth and early repatriation and resettlement of refugees and displaced persons; reintegrating ex-combatants and others into productive society; curtailing the availability of small arms; and mobilizing the domestic and international resources for reconstruction and recovery” (see A/52/871-S/1998/318, para. 66).

5. Other conventional arms control/limitation and disarmament measures are also required to address the problem, such as, *inter alia*, arms control and confidence-building measures, including transparency in armaments and the combating of the illicit arms trade (in particular, in small arms and light weapons). Practical disarmament measures have a special relevance to a conflict that is approaching solution, to a recently ended conflict and, as a consequence, to preventing a conflict from re-emerging. Such measures could include arms control, collection, storage and destruction, demining, demobilization and integration.

II. Scope

6. The Guidelines that follow, having regard, *inter alia*, to General Assembly resolution 51/45 N of 10 December 1996, are particularly applicable for the consolidation of peace in post-conflict situations.

7. The report of the Secretary-General on the consolidation of peace through practical disarmament measures (A/52/289), submitted pursuant to resolution 51/45 N, contains a set of recommendations addressed to Member States in which measures are proposed to reduce and prevent excessive accumulation and proliferation of small arms. General Assembly resolutions 52/38 G and 52/38 J of 9 December 1997 and 53/77 M of 4 December 1998 are also relevant. The provisions of Security Council resolution 1209 (1998) of 19 November 1998 should also be borne in mind.

III. Principles

8. In formulating and implementing practical disarmament measures for the consolidation of peace in regions that have suffered from conflicts, States should fully respect the purposes and principles of the Charter of the United Nations, in particular, the principle of sovereign equality, political independence of States and non-intervention in matters that are essentially within the domestic jurisdiction of any State, as well as those principles contained in paragraph 14 of the guidelines for international arms transfers in the context of General Assembly resolution 46/36 H of 6 December 1991 (A/51/42, annex I), adopted in 1996. Practical disarmament measures should, as a rule, be undertaken in cooperation with the State concerned.

9. The specific conditions and characteristics of the region that has suffered from conflict, including relevant socio-economic factors, should be taken into account in formulating and implementing practical disarmament measures.

10. Practical disarmament measures should be taken into account, to the extent possible, in peace agreements freely arrived at. They should be integrated into post-conflict peace-building activities and should be carried out in advance in a systematic manner.

11. States should also adhere to the principles contained in the following:

(a) Guidelines for international arms transfers in the context of General Assembly resolution 46/36 H of 6 December 1991 (A/51/42, annex I), adopted in 1996;

(b) Guidelines and recommendations for regional approaches to disarmament within the context of global security (A/48/42, annex II), adopted in 1993;

(c) Guidelines for the study on conventional disarmament (A/51/182, chap. II, sect. D), adopted in 1982.

IV. Practical disarmament measures in post-conflict situations

A. Collection, control, disposal and destruction of arms, especially small arms and light weapons, and conversion of military facilities

12. An early and accurate baseline inventory and periodic reassessment of the arms in the possession of the parties to the agreement, in accordance with the peace accord, is a prerequisite to an efficient arms collection, control, disposal and destruction process.

13. There should be a secure collection and storage of such arms from the demobilized military forces or those in civilian hands, with the possible use of incentive programmes, such as “turn-in”, “buy-back”, “swap” or weapons for development programmes, or through agreed enforcement measures.

14. Rapid, reliable and transparent destruction of arms is an indispensable step to rendering an agreement concrete. A public display of the destruction of such weapons can help to dramatize the enactment of peace and to consolidate it.

15. Where appropriate, the conversion of military facilities for civilian use should be encouraged.

16. As part of an effective post-conflict arms control programme, arms embargoes declared by the Security Council or voluntary regional import/export moratoriums should be implemented through, *inter alia*:

(a) Cooperation between neighbouring security, police and customs organizations, including the assistance of national contact centres of the International Criminal Police Organization (INTERPOL);

(b) Combined border guard operations;

(c) International and coordinated United Nations support for an adherence to measures agreed;

(d) Regional or international agreements to combat illicit arms trafficking.

17. A clear delineation of the responsibilities of all concerned would facilitate the effective implementation of practical disarmament measures.

B. Demining

18. The cessation of mine laying should be an integral part of ceasefire agreements.

19. In areas where anti-personnel landmines have been laid during a conflict, post-conflict activities must give priority to an integrated mine action programme that includes mine clearance and destruction, assistance to victims and reintegration of mine victims into civil society.

20. The collection of mines and other explosive ordnance should be discouraged and their destruction ensured *in situ*.

21. Information should be provided on mines laid during the conflict. Measures such as delineation of mined areas and posting of warning signs should be taken to prevent further victimization of civilians.

22. States involved in the deployment of mines can play an important role in assisting mine clearance in mine-affected countries through the provision of necessary maps and information

and appropriate technical and material assistance to remove or otherwise render ineffective existing minefields, mines and booby traps.

23. A mine awareness education plan and procedures for reporting unexploded ordnance and artifacts should be set out and geared towards both demobilized soldiers and civilians.

C. Demobilization

24. An early and accurate assessment of the armed forces to be separated, assembled and demobilized is a prerequisite to an effective demobilization programme.

25. The period between the signing of an agreement and the establishment of the cantonment could, with the consent of the State concerned, be used profitably by neutral parties of observation and control of a ceasefire.

26. Demobilization agreements should be implemented via a demobilization centre or cantonment, established for a limited period of time, and should have the necessary medical, logistical (such as food and housing) and administrative support and facilities or programmes. They should be clearly separated from humanitarian centres established, for example, for returning refugees.

27. Registration and disarmament of combatants should occur simultaneously whenever possible.

D. Integration of former combatants

28. Advance planning for integration, at least for the short to medium term, should be undertaken well before the demobilization process starts. The integration programme should then be implemented in step with demobilization.

29. Consideration should be given to the following:

(a) Establishment, training and operation of combined integrated security forces on a voluntary basis, as appropriate;

(b) Training, education and guidance programmes for the integration into civil society of former combatants and their dependents, including offers to guarantee their personal safety;

(c) Resettlement of returning refugees as an integral part of the integration process;

(d) The promotion of sustainable employment opportunities through an integrated approach involving interlinked activities in the areas of employment-intensive rehabilitation, reconstruction programmes at the community level, skill and entrepreneurship training and small enterprise development.

30. Expenditures related to integration of combatants should be reflected in the economic programme of a country and domestic resources should be secured for such activities in order to provide, *inter alia*, for effective follow-up action. The needs of different target groups among the reintegrated combatants should be identified, including vulnerable groups, such as women and children, and options designed to suit local conditions.

V. Confidence-building in post-conflict situations

31. In order to ensure reliable implementation of the provisions of the agreement reached in a post-conflict consolidation of peace, including secure disposal and destruction of weapons, the following steps should be considered:

- (a) Combined/integrated monitoring, observation and control;
- (b) Transparency and verification by a facilitator, where appropriate, or international supervision by mutual agreement;
- (c) A joint commission to mediate differences over interpretation of the terms of the agreement.

32. Implementation of agreed measures can be enhanced by the use of social and other incentives, including:

- (a) Humanitarian, medical and logistical aid programmes for former combatants (including families) to encourage and sustain the handover of arms;
- (b) Safeguards as to their physical protection;
- (c) Amnesties;
- (d) Reintegration into civilian and professional life, including job training.

33. The re-establishment of public security is an essential first step. A key measure to enhance that process is the creation and training of reduced and integrated military services and appropriately trained integrated security and police forces.

34. National security forces should have adequate technical equipment and be appropriately trained so as to be able to conduct operations efficiently and in conformity with national legislation and established norms of international law.

35. Establishment, training and operation of security forces that include former combatants on a voluntary basis can help to build confidence in an unbiased, non-discriminatory security force.

36. To assist the reconciliation process and to create confidence in the equitable implementation of the peace agreement, it is recommended that:

- (a) An effective, independent public information campaign should be promoted to sensitize the public to the peace process;
- (b) National dialogue should be encouraged and intensified through reconciliation programmes in post-conflict peace-building;
- (c) Measures to strengthen coordination among Governments, international organizations and non-governmental organizations should be implemented for a smooth transition from emergency humanitarian assistance to post-conflict assistance to long-term development.

VI. Regional and international financial and technical assistance

37. Regional and international financial and technical assistance in rebuilding infrastructure, administrative capacity and civil society and in economic rehabilitation is necessary for the implementation of practical disarmament measures and should include the following:

- (a) Early involvement of international financial institutions;

(b) Assistance for national and local measures for the collection, control, disposal and destruction of arms, the demobilization and reintegration of former combatants and the conversion of military facilities for civilian use in post-conflict situations. Such assistance can help to ensure their early success;

(c) Assistance for mine awareness programmes, assistance to victims and mine clearance programmes in mine-affected countries, including assistance to mine-infested countries to remove or otherwise render ineffective existing minefields, mines and booby traps. Assistance should include access to new technologies for mine detection and removal and the promotion of scientific research and development on humanitarian mine-clearance techniques and technology so that mine-clearance activities can be carried out more effectively at lower cost and through safer means. International cooperation should be promoted in this regard;

(d) Assistance for reintegration measures aimed at education and training and for the creation of employment opportunities or alternative employment opportunities for discharged combatants;

(e) Assistance for public education and awareness programmes that will contribute to the promotion of a culture of peace and to building resistance to the illegitimate uses of small arms.

38. States in a position to do so should lend their support to the Secretary-General in responding to requests by Member States to collect and destroy small arms and light weapons in post-conflict situations and to promote new practical disarmament measures to consolidate peace, especially as undertaken and designed by affected States themselves.

VII. Other conventional arms control/limitation and disarmament principles and measures

A. National measures

39. States should observe the highest standards of responsibility in the transfer of arms, including small arms and light weapons as well as ammunition and explosives. They should refrain from the transfer of arms other than for the legitimate defence and security requirements of the recipient. Particular restraint should be shown in transfers to countries or regions in post-conflict peace-building situations.

40. States should limit weapons procurement to the legitimate needs of self-defence and internal security, taking account of their capacity to participate in peacekeeping operations.

41. States should have in place appropriate legislation and effective administrative regulations on arms export, import, transit, re-export and diversion within recipient States, and should make the necessary arrangements to ensure their enforcement.

42. States should work towards the introduction of appropriate national legislation, administrative regulations and licensing requirements that define the 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 constructed with military specifications, such as automatic guns (for example, assault rifles and machine-guns).

43. States should delegate the necessary competencies for the implementation and monitoring of national and/or international norms to lower administration levels, such as districts, regional councils or local government.
44. States should ensure that arms production, trade and holdings (State-owned and private) are under strict and effective control through appropriate licensing, supervision and inspection and the establishment and maintenance of national inventories of legally held weapons.
45. States should establish a national centralized registry responsible for maintaining up-to-date information on legally licenced dealers and manufacturers, imports, exports and other transactions as well as national inventories of weapons.
46. States should ensure that manufacturers apply appropriate and reliable technical markings on weapons, particularly small arms and light weapons, ammunition and explosives, as an integral part of the production process so as to assist national law enforcement agencies in combating illicit arms trafficking. Marking also permits effective record-keeping and tracing of movements and accumulations arising from licit transfers and thus contributes to transparency and confidence-building. Consideration should be given to markings that indicate the country of origin, the manufacturer, the year of production, the lot number and, in the case of ammunition, the caliber and other head stamping systems.
47. States should undertake to secure their holdings against losses resulting from corruption, theft and withholding through appropriate organizational, technical and personnel measures.
48. States should ensure the effectiveness and professional conduct of security forces and authorities (customs, border-control, police, criminal prosecution) involved in the implementation of weapons control measures, through appropriate selection of personnel, training and technical equipment.
49. States should commit themselves to challenging and reversing cultures of violence by enhancing public involvement through public education and awareness programmes conducive to the creation of a culture of peace.

B. Regional/international cooperation and transparency

50. States should explore the scope for coordination and harmonization of their national regulations on arms export/import/transit, including relevant customs procedures.
51. States should consider the declaration of post-conflict moratoriums for all sectors of society (Government and civil) on the import/export/transit and manufacture of small arms and light weapons.
52. States and their national authorities involved in weapons control measures should reinforce their collective efforts to prevent and combat illicit trafficking of arms, particularly small arms, through:
 - (a) Exchange of information on illegal activities (sources, routes, caches);
 - (b) Combined police, border-guard, intelligence and customs operations, as required;
 - (c) Technical and training assistance;
 - (d) Establishment of national points of contact;
 - (e) Improved judicial cooperation, including to combat the violation of national gun laws and regulations.

53. States should consider appropriate transparency arrangements, including possible regional or subregional registers of conventional arms, confidence-building and arms control measures to restrict and reduce the production, transfer and holdings of weapons, taking into account the particular regional situation and legitimate self-defence and internal security needs.

54. States should, on a voluntary basis, exchange information on their national policies, legislation and administrative control over arms production, procurement, ownership and trade, with particular emphasis on small arms and light weapons.

55. States should consider all appropriate measures with a view to promoting restraint and responsibility in conventional arms transfers. These might include the establishment of voluntary and non-discriminatory codes of conduct for conventional arms transfers.

VIII. The role of the United Nations

56. The Secretary-General, in recognition of the important contribution of programmes for voluntary weapons collection and/or destruction, should recommend, on a case-by-case basis, including in the mandates of future peacekeeping operations, the means to facilitate the successful conduct of such programmes.

57. The United Nations should coordinate and facilitate the exchange of information between States. On the request of the State concerned, the United Nations could provide coordination and assistance, including in seeking regional and international financial and technical support, for the development of programmes to promote and implement national and regional disarmament and arms control/limitation measures in the context of consolidation of peace.

58. The coordination role of the United Nations in the field of mine awareness, training, surveying, mine detection and clearance, scientific research on mine detection and clearance technology and information on and distribution of medical equipment and supplies should be fulfilled.

59. The United Nations has a central role in the field of disarmament. This role will be enhanced with the designation of the Department for Disarmament Affairs as the focal point to coordinate all action on small arms within the United Nations system.

60. Cooperation and coordination should be increased between the relevant intergovernmental bodies of the United Nations and within the United Nations Secretariat, in particular with regard to the activities of the Centre for International Crime Prevention, the Department for Disarmament Affairs and the mechanism for Coordinating Action on Small Arms in ongoing initiatives related to illicit trafficking in small arms.

61. The United Nations should continue to play a leading role in placing the issue of small arms on the global agenda and in mobilizing public opinion in support of global action.