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

First session

Summary record of the 10th meeting*

Held at Headquarters, New York, on Friday, 3 March 2000, at 3 p.m.

Chairman: Mr. Dos Santos . . . . . (Mozambique)

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* No summary record was issued for the 9th meeting.

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The meeting was called to order at 6.25 p.m.

Election of the Chairman and other officers
(continued)

1. **The Chairman** announced that the Group of Asian States had endorsed the candidacy of Mr. Carlos Sorreta (Philippines) for the office of one of five Vice-Chairmen from the Group of Asian States, and took it that the Committee wished to elect him by acclamation.

2. *It was so decided.*

3. *Mr. Sorreta (Philippines) was elected as a Vice-Chairman of the Preparatory Committee.*

4. **Mr. Kongstad** (Norway), speaking on behalf of the Group of Western European and Other States, noted that, at the eighth meeting, five representatives from the Group had been elected to serve as members of the Bureau, and requested clarification as to whether all five would serve as Vice-Chairmen on an equal footing with the Vice-Chairmen from the other regional groups.

5. **Ms. Arce de Jeannet** (Mexico) recalled that a formal decision had been taken to elect four Vice-Chairmen and one Rapporteur from the Group of Western European and Other States.

6. **Mr. Kongstad** (Norway), speaking on behalf of the Group of Western European and Other States, said that the Group's understanding was that it was to be represented by five Vice-Chairmen, one of whom would also serve as Rapporteur.

7. A procedural discussion ensued in which **the Chairman**, **Mr. Mesdoua** (Algeria), **Mr. du Preez** (South Africa), **Ms. Arce de Jeannet** (Mexico), **Mr. Gaillard** (Canada), Rapporteur, **Mr. Baeidi-Nejad** (Islamic Republic of Iran), **Mr. Wang Qun** (China), **Ms. Ramoutar** (Trinidad and Tobago), **Mr. Khairat** (Egypt), **Mr. Pierce** (Jamaica), **Mr. Khan** (Pakistan) and **Mr. Dharmendra** (India) took part.

8. **Mr. Gaillard** (Canada), Rapporteur, announced his resignation from the office of Rapporteur.

9. **Mr. Khan** (Pakistan) recalled that, at the eighth meeting, Mr. Gaillard had been elected, regardless of capacity, as an officer of the Committee, and suggested that he should be elected by acclamation as the fifth Vice-Chairman from the Group of Western European and Other States.

10. **Mr. Kongstad** (Norway), speaking on behalf of the Group of Western European and Other States, said that he supported that suggestion.

11. **The Chairman** said that, in the absence of a Rapporteur, the Chairman must assume that function also. On that understanding, he took it that the Committee wished to elect Mr. Gaillard as one of the five Vice-Chairmen from the Group of Western European and Other States by acclamation.

12. *It was so decided.*

13. *Mr. Gaillard (Canada) was elected as a Vice-Chairman of the Preparatory Committee.*

Adoption of the report of the Preparatory Committee
(A/CONF.192/PC/L.1)

14. **The Chairman** suggested that the Committee should approve its draft report paragraph by paragraph.

15. *It was so decided.*

Paragraph 1

16. *Paragraph 1 was adopted.*

Paragraph 2

17. **Ms. Marcaillou** (Secretary of the Committee) informed the Committee that Chile, Ecuador, El Salvador, Equatorial Guinea, Indonesia, Latvia, Nicaragua, the Republic of the Congo, Swaziland, the United Republic of Tanzania and Uzbekistan should be added to the list of States represented at the first session of the Preparatory Committee.

18. *Paragraph 2, as amended, was adopted.*

Paragraph 3

19. **Ms. Marcaillou** (Secretary of the Committee) informed the Committee that the Special Representative of the Secretary-General for Children and Armed Conflict and the United Nations Development Programme should be added to the list of intergovernmental organizations and entities which participated as observers at the first session of the Preparatory Committee.

20. *Paragraph 3, as amended, was adopted.*

Paragraph 4

21. **Ms. Marcaillou** (Secretary of the Committee) informed the Committee that the second sentence of the paragraph should read: "During the session, the Preparatory Committee held a total of 10 meetings, four of which were held as closed meetings.".

22. *Paragraph 4, as amended, was adopted.*

Paragraph 5

23. **Ms. Marcaillou** (Secretary of the Committee) informed the Committee that the names of Mr. Herbert Calhoun (United States), Mr. Pierre Charasse (France), Mr. Alioune Diagne (Senegal), Ms. Dace Dobrāja (Latvia), Mr. Mário Duarte (Portugal), Mr. Mark Gaillard (Canada), Mr. Samuel Insanally (Guyana), Mr. Ismail Khairat (Egypt), Mr. Fares Kuindwa (Kenya), Mr. Gunnar Lindeman (Norway), Mr. Denis Dangue Réwaka (Gabon) and Mr. Carlos Sorreta (Philippines) should be added to the list of Vice-Chairmen of the Committee.

24. Pursuant to the Committee's decision taken at the eighth meeting to postpone the election of the fifth Vice-Chairman from the Group of African States, the following sentence should be inserted at the end of the paragraph: "It was agreed that the endorsement of another Vice-Chairman from the Group of African States was being formalized.".

25. *Paragraph 5, as amended, was adopted.*

Paragraphs 6, 7, 8 and 9

26. *Paragraphs 6, 7, 8 and 9 were adopted.*

Paragraph 10

27. **Ms. Marcaillou** (Secretary of the Committee) informed the Committee that a number of documents should be added to the list of documents before the Preparatory Committee. All had been distributed to the members of the Committee pursuant to formal requests from delegations. The documents were: working paper dated 2 March 2000 from South Africa entitled "Elements for a Framework for Cooperation and Action on Illicit Trade in Small Arms and Light Weapons in All Its Aspects" (A/CONF.192/PC/5); working paper dated 2 March 2000 from the European Union entitled "Elements for Consideration in the Substantive Preparation for the 2001 Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects" (A/CONF.192/PC/6); "Food-for-Thought Paper" dated 2 March 2000 from the Permanent Mission of France and the Permanent Observer Mission of Switzerland entitled "Contribution to the Realization of an International Plan of Action in the Context of the 2001 Conference: Marking, Identification and Control of Small Arms and Light Weapons" (A/CONF.192/PC/7); and the proposal dated 3 March 2000 submitted by Indonesia on behalf of the Non-Aligned Movement on the intersessional work of the Preparatory Committee for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF.192/PC/8). All those documents would be circulated in all languages in due course.

28. **Mr. Wang Qun** (China), referring to agenda item 7, said that, since the Committee had not yet put forward recommendations on all relevant matters, only subparagraphs (a) and (b) should be retained. The other subparagraphs as well as the working papers submitted by France, South Africa and the Permanent Observer Mission of Switzerland, should not be included, as they were not relevant to the Conference. While his delegation did not question the right of any delegation to submit documents, it believed that timing and relevance were very important. Moreover, the Secretariat should explain the meaning of the phrase "the Preparatory Committee also had before it the following documents". In his delegation's view, Member States should be able to consider any documents in all the official languages, of the General Assembly, including Chinese.

29. **Mr. du Preez** (South Africa), noting that any delegation had the right to submit any paper on its views concerning the Conference, said that his delegation had introduced its working paper under the general exchange of views on items 5, 6, 7 and 8, and felt that it should be reflected in the report of the Committee.

30. **Mr. Orlov** (Russian Federation) said that he supported the statement made by the Chinese delegation. A distinction should be drawn between reports of the Secretary-General and unofficial documents. He, too, would appreciate an explanation of paragraph 10.

31. **Mr. de Albuquerque** (Portugal) said that he did not agree with the views of the Chinese delegation. The paper introduced by his delegation on behalf of the

European Union under agenda item 7 had been endorsed at the previous day's meeting by the Preparatory Committee, which should respect that decision. There was therefore no reason why a reference to that document should not be included in paragraph 10.

32. **Mr. Osei** (Ghana) said that a reference to the working paper submitted by South Africa should be included in the report.

33. **Mr. Ogunbanwo** (Nigeria) said that any Member State had the right to submit working papers as it saw fit. However, a distinction should be drawn between adopting the draft report and the contents of working papers. The wording of paragraph 10 did not prejudge the position of any delegation. As far as he was concerned, all the working papers that had been submitted were relevant.

34. **Mr. Marsono** (Indonesia) said that he supported the statement made by the representative of Nigeria and requested that the paper that his delegation had circulated on behalf of the Movement of Non-Aligned Countries should be added to the list of documents in paragraph 10.

35. **Mr. MacFhaionnbhairr** (Ireland) said that every delegation had a right to have any document that it submitted to the Secretariat included in the Committee's report. Accordingly, he proposed that paragraph 10 should be amended and that two new paragraphs should be inserted after it. Paragraph 10 should read: "The Preparatory Committee had before it the report of the Secretary-General (A/54/260 and Add.1)". The first new paragraph would read: "A number of delegations submitted documents to the Preparatory Committee. These are contained in annex ...." The second new paragraph would read: "A list of delegations participating in the first session of the Preparatory Committee is contained in document A/CONF.192/PC.4".

36. **Mr. de Albuquerque** (Portugal) said that he was prepared to accept the compromise proposed by the representative of Ireland. However, three working papers that had been omitted should be reflected in the proposal.

37. **Mr. Soares** (Brazil), endorsing the Irish delegation's proposal, said that the note by the Secretary-General (A/54/258) transmitting the report of the Group of Governmental Experts on Small Arms should be included in paragraph 10.

38. **Mr. du Preez** (South Africa) said that he supported the Irish delegation's proposal and the views expressed by the representatives of Portugal and Indonesia.

39. **Ms. Martinic** (Argentina) said that he supported the amendments to paragraph 10 proposed by the Irish delegation. The text should also mention, however, that delegations participating in the first session of the Preparatory Committee had agreed that nothing prejudged the position of States regarding those documents. A final paragraph containing the list of delegations should then be added.

40. **Mr. de Albuquerque** (Portugal) objected to the phrase " nothing prejudged the position of States". He preferred the phrase "had before it", which was non-committal.

41. **The Chairman** wondered whether the proposals, as amended, were acceptable. Otherwise, since the Committee's decisions were taken by consensus, any proposals against which there were objections would have to be withdrawn.

42. **Mr. du Preez** (South Africa) said that he could not accept the Chairman's suggestion. His delegation would like to see its proposal reflected in the report of the Preparatory Committee.

43. **The Chairman**, supported by **Mr. Ngoh Ngoh** (Cameroon), urged delegations to endorse Ireland's proposal, which distinguished between United Nations documents and documents submitted by States and did not oblige delegations to endorse any particular document.

44. **Mr. Wang Qun** (China) said that, under the rules of procedure of the General Assembly, all documents must be made available in all the official languages of the General Assembly.

45. **Ms. Marcaillou** (Secretary of the Committee) said that rule 56 of the rules of procedure of the General Assembly stated that all resolutions and other documents should be published in the languages of the General Assembly; therefore, the documents in question either had been or would be published in those languages. Moreover, rule 120, which concerned the submission in writing of proposals and amendments,

included the words "normally" and "as a general rule", thus allowing for exceptions.

46. **Mr. Wang Qun** (China) said that the texts in question were neither proposals nor amendments, but documents within the meaning of rule 56. He therefore maintained that they must be made available in all languages before the close of the session.

47. **Mr. Baeidi-Nejad** (Islamic Republic of Iran) said that it was rather late in the day to enter into procedural discussions. He therefore suggested that the amendment proposed by the Irish delegation should be further amended to state that, without prejudice to the contents of documents and bearing in mind that some documents had been submitted rather late, the Committee had decided to include the documents in question in an annex to the draft report.

48. **Ms. Arce de Jeannet** (Mexico) pointed out that in order to adopt the draft report before the end of the current session, the Committee had already agreed to continue the meeting in English only. Although the documents in question had been submitted too recently for them to have been translated into all official languages, the Committee had the Secretariat's assurance that that would be done in accordance with rule 56 of the rules of procedure. She urged all delegations to display flexibility in the matter and said that her delegation was prepared to accept a ruling by the Chairman.

49. **Mr. Khan** (Pakistan) noted that a few delegations had questioned the right of other delegations to submit papers at such a late stage of the proceedings. The representative of China had not questioned their right to do so, but he had rightly insisted that rule 56 must be observed.

50. **Mr. Shein** (Myanmar) said that, when a case could not be decided according to the rules of procedure, justice, equity and good conscience should prevail; in other words, the Chairman should be asked to rule on the matter. He suggested that the Irish proposal should be adopted with the addition of the words "without prejudice to the position of any delegation".

51. **Mr. Wang Qun** (China) said that, under rule 35 of the rules of procedure, it was the Chairman's responsibility to rule on such matters; he asked him to do so.

52. **The Chairman** said that rule 56 stipulated that all documents must be published in the languages of the General Assembly but it did not state when such publication must occur. His ruling was that the Committee should accept the assurances of the Secretariat that the provisions of rule 56 would be complied with.

53. **Mr. Wang Qun** (China) said that the Committee could not state in its report that it had had the documents in question before it when it had lacked not only the Chinese, but also the Russian, Spanish and Arabic texts. He requested an opinion from the Office of the Legal Counsel on the validity of the Chairman's ruling.

54. **The Chairman** suggested that the meeting should be suspended to allow for consultations.

The meeting was suspended at 8.05 p.m. and resumed at 8.45 p.m.

55. **The Chairman** said that, following consultations, it was his understanding that a consensus text had been achieved. Paragraph 10 would be amended and two new paragraphs would be inserted after paragraph 10. Paragraph 10 would thus read: "The Preparatory Committee also had before it the report of the Secretary-General (A/54/260 and Add.1). The first new paragraph would read: "A number of delegations have circulated the following papers:", followed by the content of subparagraphs 10 (b), (c), (d) and (e). The second new paragraph would reproduce the content of the subparagraph 10 (f).

56. **Mr. du Preez** (South Africa) asked whether the working paper submitted by Indonesia would also be mentioned in the annexes to the report.

57. **The Chairman** said that it would be. He thanked all delegations for their cooperation and said he took it that the Committee wished to adopt paragraph 10, as amended, and the two new paragraphs inserted after paragraph 10.

58. Paragraph 10, as amended, and the two new paragraphs were adopted.

Paragraph 11

59. **Ms. Marcaillou** (Secretary of the Committee) informed the Committee that summary records had been provided for three meetings at which decisions

had been taken (A/CONF.192/PC/SR.1, SR.8 and SR.10).

60. **Mr. Miranda** (Peru) proposed that the paragraph should be amended to include a statement that the Preparatory Committee had held four meetings devoted to the general debate in which delegations had delivered statements.

Paragraph 11, as amended, was adopted.

Paragraph 12

61. *Paragraph 12 was adopted.*

Paragraph 13

62. **The Chairman** said that the paragraph would be amended to reflect the fact that the Committee had not taken a decision on modalities of attendance of non-governmental organizations at its sessions.

63. **Mr. Al-Hariri** (Syrian Arab Republic) proposed that the paragraph should be amended to indicate that the Committee had decided to defer its decision on the matter to its next session.

64. **Mr. Aliyev** (Azerbaijan) proposed that, in order to avoid deferring that decision to its next session, the Committee should amend the paragraph to read "the Preparatory Committee requested its Chairman to prepare for its second session, after conducting broad-based consultations, draft modalities of attendance of non-governmental organizations at its further sessions".

65. **Mr. Orlov** (Russian Federation) said that he preferred the amendment proposed by the Syrian Arab Republic.

66. **The Chairman** said he took it that the Committee wished to adopt the amendment to paragraph 13 that the Chair had proposed.

67. Paragraph 13, as amended, was adopted.

Paragraph 14

68. **The Chairman** said that the text of the decision on item 6 (date and venue of the subsequent sessions of the Preparatory Committee) would be incorporated into the report.

69. **Mr. Mesdoua** (Algeria) asked what statement would be made concerning the date and venue of the Conference itself, scheduled to be held in 2001.

70. **Ms. Marcaillou** (Secretary of the Committee) suggested that the report should state that the Preparatory Committee had decided to defer its decision on the date and venue of the Conference to the General Assembly at its fifty-fifth session.

71. **The Chairman** said he took it that the Committee wished to proceed along those lines.

72. *Paragraph 14, as amended, was adopted.*

Decision on background documents to be made available in advance

73. **The Chairman** said he took it that the Committee wished to amend the paragraph to read: "The Preparatory Committee decided to continue consideration of this item".

74. *Section C, as amended, was adopted.*

IV. Recommendations of the Preparatory Committee

75. **Ms. Arce de Jeannet** (Mexico) proposed that the heading of part IV should be amended to read: "Recommendations of the Preparatory Committee on all relevant matters, including the objective, a draft agenda, draft rules of procedure, and draft final documents, which will include a programme of action."

76. *The heading of part IV, as amended, was adopted.*

Paragraph 15

77. **The Chairman** suggested that paragraph 15 should be amended to read: "The Preparatory Committee decided to continue its consideration of this item".

78. *Paragraph 15, as amended, was adopted.*

79. **The Chairman** pointed out that the relevant paragraphs would be remembered to reflect the insertion of the two new paragraphs after paragraph 10 and said he took it that the Committee wished to adopt the draft report as a whole.

80. *The draft report, as a whole, was adopted.*

Closure of the session

81. After the customary exchange of courtesies, **the Chairman** declared the first session of the Preparatory Committee closed.

The meeting rose at 9.05 p.m.