



Misión Permanente de Costa Rica ante las Naciones Unidas

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Intervention

H.E. Mr. Bruno Stagno Ugarte
Ambassador, Permanent Representative of Costa Rica
before the Security Council
“Small Arms”
January 19th, 2004

Mr. President,

My delegation is pleased to see you, Sir, the Permanent Representative of Chile, presiding over the Security Council this month. The fact that your country is presiding over the Council during January undoubtedly augurs well for the rest of the year.

Mr. President,

The accumulation, proliferation and illegal use of small arms and light weapons pose a threat to the peace and stability of all peoples. The proliferation of such weapons fuels armed conflicts, exacerbates violence, promotes crime and terrorism, contributes to the flow of refugees and internally displaced persons, makes peace processes more difficult and hinders humanitarian assistance. As Barbara Frey, Special Rapporteur of the Sub-Commission on the Promotion and Protection of Human Rights, recognized, “Small arms are used to violate, directly and indirectly, the entire spectrum of human rights” (E/CN.4/Sub.2/2002/39, para. 76).

We are pleased that the Security Council has recognized the pernicious impact of the proliferation of small arms and light weapons and that it has therefore decided to include that subject on its agenda. This body has already adopted a number of valuable recommendations, such as the request that all States use end-user certificates in their arms transfers, the appeal to arms-exporting countries for greater responsibility, the invitation to establish national registers of weapons intermediary firms and the appeal to impose sanctions against those who violate arms embargoes. The implementation of all those recommendations is indispensable, but it is not sufficient in itself.

The international community’s action with regard to small arms must go beyond marking weapons and implementing existing embargoes. It is time to look at the problem of small arms from the perspective of human rights. It is time to prohibit the transfer of military equipment or personnel or of financial and logistical support to States whose military units or security forces participate in human rights violations. It is time to prohibit the sale of weapons to those who do not respect democratic principles or have not ratified the principal instruments of human rights or international humanitarian law.

My delegation welcomes the recent creation by the General Assembly of an open-ended working group to negotiate an international instrument that will enable States to identify and trace illicit small arms and light weapons. We also welcome the report of the Group of Experts that designed the reference framework for future negotiations. However, the mandate of those negotiations is limited. It is not sufficient to create norms for tracing and marking; we need to adopt binding norms defining when the use of weapons is legitimate and under what conditions arms transfers can be authorized. To that end, the Government of Costa Rica is promoting a draft framework convention on international arms transfers, prepared by a group of non-governmental organizations, Nobel Peace Prize laureates and qualified jurists. The draft strives to be a faithful codification of State obligations arising from existing international law, including international humanitarian and human rights law, with regard to arms transfers.

As a basic principle, the draft framework convention establishes that every arms transfer must be authorized. The text also stipulates a number of restrictions on transfers arising directly from existing State obligations under current international humanitarian law, such as the prohibition on the use of weapons that cause excessively injurious or indiscriminate effects. In addition, the draft establishes a number of prohibitions on arms transfers when it is evident that they will be used to violate the Charter of the United Nations, to commit grave violations of human rights or international humanitarian law, or to perpetrate genocide or crimes against humanity.

The framework convention seeks, not to create any new obligations, but to specify categorically the logical and necessary implications of the norms and principles already in force. The draft also seeks the adoption of innovative measures of a precautionary nature that, in principle, should be taken into account whenever arms transfers are authorized. We hope that the draft will become a model for internationally binding agreements that, once adopted, will facilitate coordinated and concrete action involving the regulation of arms transfers.

Furthermore, the Security Council must design new mechanisms to guarantee compliance with arms embargoes. The most recent report of the Secretary-General (S/2003/1217) reveals that compliance with recommendations related to embargoes remains deficient. Suffice it to recall that, in 2001, 54 countries were linked to transfer or resale of weapons in express violation of existing embargoes. In the meantime, the sanctions committees established by the Security Council to verify compliance with such embargoes were unable to take any effective action. That came as no surprise: the sanctions committees are political bodies that lack the technical capacity to carry out genuine verification work. That is why we believe it is necessary to create a mechanism within the Secretariat to proactively monitor the implementation of arms embargoes and to serve as technical support for the sanctions committees' political work.

Mr. President,

In the past few years, both the Security Council and the General Assembly have taken a number of positive steps against the scourge of small arms. Some measures have been positive; others have not been effective.

Let us continue to move forward; there is still a long road ahead.