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GENERAL AND COMPLETE DISARMAMENT

REVIEW AND IMPLEMENTATION OF THE CONCLUDING DOCUMENT OF THE TWELFTH SPECIAL SESSION OF THE GENERAL ASSEMBLY

REVIEW OF THE IMPLEMENTATION OF THE DECLARATION ON THE STRENGTHENING OF INTERNATIONAL SECURITY

ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Letter dated 29 September 1988 from the Permanent Representative of of Colombia to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith the views of my Government concerning the transfer of and international trade in arms and their serious consequences for international peace and security.

I should be grateful if you would have this letter and its annex distributed as an official document of the General Assembly under items 64, 65, 72 and 104.

(Signed) Enrique PEÑALOSA
Ambassador
Permanent Representative

ANNEX

Transfer of and international trade in arms

The basic problem of security facing developing countries is that of protecting their economic, political and social development from both internal and external threats - from the threats inherent in the process of national construction and from those originating at the international level, where the use of force and intimidation continue to be part of the diplomacy of force, especially by nations which wield economic, technological and military power within the international community.

In our efforts to consolidate our still fragile development, we countries of the third world find ourselves facing an extremely grave series of moral crises of universal scope which threaten to lead to an irreversible and world-wide collapse in such vital areas as nuclear confrontation, the ecological imbalance, the food crisis, and the continuing mass sacrifice of human beings to the forces of violence, underdevelopment and economic and political disorder.

The trade in arms - one of the most pernicious problems we face - is a clear manifestation of the moral decline of our time. We know well its consequences. It combines the most diverse motivations, knows no ideological or geographical frontiers, involves all types of weapons and plays a preponderant role in fanning the flames of war, conflict, subversion, terrorism and violence. The real danger to world peace due to the uncontrolled transfer of arms is incalculable.

International law has little to say on this problem, admitting to its existence but omitting it from its list of priorities. This is incompatible with the future of international law, which is called upon to provide a code of conduct that is above the selfish interests of the few.

Control and condemnation of the arms trade have not been considered by competent authorities such as the Commission on Human Rights, which, together with those entrusted with winning respect for the norms of international law, have resigned themselves to the fact that the arms transfer violates the fundamental principles of the Universal Declaration of Human Rights.

There is a laxity in the conduct of many countries which causes serious harm to international coexistence. The need felt by certain countries to protect their arms trade is coupled with the unlimited tolerance of others when the norm of life in society is flouted. It is not feasible, however, for any State to waive its defences in the absence of guarantees that the principles of law and the non-use of force will prevail in mutual relations, and that its sovereignty and territorial integrity will not be placed at risk.

The efforts made so far to regulate and fix responsibilities for this trade have failed. They have been eclipsed by political interests, the profit motive and the simple fear of alienating the pompous and powerful war industry.

The developing world has been the scene and, naturally, the victim of nearly all armed conflict in recent decades. Many of them, generated by foreign intervention or interests stimulated by the arms merchants, are also a manifestation of the classic stratagem whereby it is considered more profitable and less dangerous to wage a war in foreign lands and with others as the combatants. This is not a problem, then, which may be consigned to history; it is a drama which every day becomes more closely associated with world political events and impinges on the right of peoples to self-determination.

Morally there is no difference between a person who dies by force of arms and one who is condemned to death by starvation. The great moral questions which arise from the slow growth of the world economy in the face of the dizzying build-up in armaments and the rightful dissatisfaction of peoples with their precarious conditions of existence demand an immediate response in the light of the right of every human being to a minimum standard of living and a life in dignity.

By permitting free access to the instruments of death, the untrammelled arms trade threatens that most sacred right, the right to life. In the same way, like the free sale of arms in the national context, it fosters crime.

The arms trade is also related to the right to development. The human, economic and technological resources employed in the military sector contrast sharply, in many countries, with the resources allocated to the civilian sector. This paradox, which is present even in the industrialized countries, turns the scale of civilized values upside down and generates attitudes which distort the right of every human being to all-round development.

Another paradox should be noted in the field of bilateral assistance to countries of the third world. The bulk of this assistance has not always been oriented towards solving their development problems; generally it has been a function of certain strategic objectives, perceived by some as paramount in the context of world predominance.

Hitherto, there has clearly been a dehumanised political and economic aspect to the arms trade. The great danger that this may be transformed into an axiom of international life cannot be ignored, given the desire for peace and international security. The so-called "little wars" in the third world bear within them the seeds of major conflicts that may escalate into a world conflagration.

Hence there will be a need to lay down principles and take action to protect the citizens of the world from violations of human rights and from breaches of logical norms caused by the international transfer of arms. It will also be necessary to develop a collective consciousness so that suppliers and recipients of arms would accept the rules of the game and act within a legal framework. The international community would stand to gain by preventing or reducing all categories of offences against mankind prompted by the arms trade, ranging from armed conflict to support for the traffic in drugs,

All countries have an obligation to take constructive action to achieve peace in all corners of the earth, even in places where some people apparently think that violence is permissible.

There also exists the fundamental principle of State responsibility under international law, a responsibility which is a corollary to the well-protected right to sovereignty. Every State has a duty to respect international norms within its own boundaries. No State may participate in or ignore breaches of such norms, or disregard its responsibility.

The third special session devoted to disarmament revealed the concern in many countries about the pressing problem of the transfer of arms. Those countries have a great interest in exploring the potential role of multilateral mechanisms, particularly the United Nations, in regulating the international transfer of arms.

The Secretary-General, for his part, has emphatically underscored the adverse effects of the indiscriminate transfer of arms on international peace and security, particularly to areas of conflict and tension.

Likewise, the Movement of Non-Aligned Countries and several non-governmental organisations have stressed the need to mobilise forces to counteract the dangers which the arms trade poses to international security and, in particular, to the peace, security and development of countries of the third world.

It will therefore be necessary to develop an international consciousness regarding the transfer of arms in accordance with the observance of human rights and the norms of international law embodied in the Charter of the United Nations.

The Commission on Human Rights might develop a mechanism to monitor international transfers of arms and document violations of human rights occurring in connection with such transfers.

The aim, then, should not solely be to have the transfer of arms condemned by the international community; it should also be to use existing international mechanisms and adopt multilateral, regional, bilateral or unilateral measures to control and reduce that trade and stop unlawful transfers.

We are convinced of the importance of taking action as soon as possible to curb the arms trade, which is now being used to disturb the internal security of many nations and to exacerbate the conflict and tension that strengthen the anti-disarmament movement.

The objectives of such action should be:

(1) To prohibit the transfer of arms to areas of conflict;

(2) To ensure adequate control so as to prevent the overt or covert supply of arms from interfering with the peaceful progress of all peoples towards social and economic development.

In order for those objectives to be attained, it will be necessary:

(1) For producer countries to exercise proper monitoring and control over the transfer of the arms which they produce;

(2) For the purchasing countries to reach regional agreements on prohibiting the import of arms which are not necessary for their internal security or which might create mistrust in the region;

(3) For supplier and recipient countries to agree on international mechanisms for the purpose of limiting the transfer of arms, identifying the black market in arms and identifying measures to prevent black-market activities;

(4) For countries selling arms and those purchasing arms to issue periodic reports on their transactions, and for an international register of such transactions to be established under the auspices of the United Nations;

(5) For the United Nations to use its mechanisms in order to fulfil the role of supervising and controlling the international arms trade.

While such measures may eliminate unlawful transfers altogether, access to arms would be more difficult for those who seek to sow fear and discord. Such measures would reduce the tragic squandering of resources, which are needed for development, and contribute to the peaceful settlement of conflicts. The fulfilment of commitments regarding the transfer of arms would also constitute a genuine confidence-building measure at the international level.

All of this would demonstrate to the international community that the United Nations is striving to develop all the principles inspiring the Organisation, and that no area can now escape its scrutiny. It would thus be strengthening confidence in all aspects of the system and promoting the process of global coexistence.
