

THE SECURITY COUNCIL AND THE ILLEGAL TRANSFER OF SMALL ARMS AND LIGHT WEAPONS TO NON-STATE ACTORS

Gustavo Mauricio BASTIEN OLVERA*

ABSTRACT. Small arms and light weapons continue to wreak havoc at an international level, both in areas of conflict and in those at peace. In order to combat this phenomenon, several lines of action need to be explored in the context of multilateral diplomacy. One possible solution lies in arms embargoes sponsored by the United Nations Security Council (UNSC), the main topic of this article. The author addresses several issues in relation to the scope and objectives of existing regional instruments as well as the Arms Trade Treaty, which could enter into force but —unlike UNSC arms embargoes— would bind only ratifying countries.

KEY WORDS: *Illicit arms trade, disarmament, United Nations Security Council, sanctions, organized crime.*

RESUMEN. Las armas pequeñas y ligeras son las causantes de grandes estragos a nivel internacional. Por ello, se presenta la necesidad de proponer diversas líneas de acción en el ámbito de la diplomacia multilateral para combatir este fenómeno, siendo los embargos de armas del Consejo de Seguridad de la Organización de Naciones Unidas (CSONU), el principal tema de análisis de este artículo. Se abordan los aspectos relacionados con el alcance y los objetivos de los instrumentos regionales ya existentes y del Tratado sobre Comercio de

* MA in Public International Law from Leiden University; BA in International Relations from the National Autonomous University of Mexico (UNAM). He has served as an Adviser to the Mexican Minister of the Interior and as an Analyst for International Security at the Ministry of Foreign Affairs of Mexico. Also, he has attended several disarmament meetings in Guatemala, Panama, The Hague and in New York where he was part of the Mexican Delegation to the Fourth Biennial Meeting of States to Consider the Implementation of the United Nations Programme of Action to prevent, combat and eradicate the illicit trade of small arms and light weapons. He has published with the Olof Palme Research and Analysis Center on Peace, Security and Development, the Amsterdam Law Forum and the International Relations Journal of the UNAM. Currently, he works at the Office of International Relations of the Deputy Minister of Prevention and Citizen Participation of the Interior Ministry. The author would like to thank Dr. Erik V. Koppe, from the Grotius Center for International Legal Studies for his valuable comments. Email: gmbastien@gmail.com.

Armas que podría entrar en vigor, pero que, a diferencia de los embargos de armas del CSONU, no sería vinculante para todos los países, salvo aquellos que lo ratifiquen.

PALABRAS CLAVE: *Tráfico de armas, desarme, Consejo de Seguridad, sanciones, crimen organizado.*

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I. INTRODUCTION

The illegal manufacture, transfer and use of small arms and light weapons jeopardize social development in several countries. This is a problem that prevents the full development of civilian populations, thus endangering respect for human rights and the ability of governments to implement social welfare in areas in which it is most needed. Small arms and light weapons are the most widely-used weapons in 46 out of 49 international armed conflicts since the 1990's.¹ During the last decade, an average of 52,000 deaths have taken place each year in armed conflicts.²

¹ U.N. Development Programme, *Light Weapons and the Proliferation of Armed Conflicts*, 1 (Apr. 1, 1999), the report does not specify the type of weapons used in the other three conflicts.

² SMALL ARMS SURVEY, DIRECT CONFLICT DEATHS, *available at* <http://www.smallarmssurvey>.

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