

Cybersecurity and Law

2025 Nr 1(13)

DOI: 10.35467/cal/214595



The Regulatory, Operational, and Supervisory Activities of the United Nations Organization in the Area of Arms and Military Technology Transfers

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Abstract

The subject of the article is the analysis of the regulatory, operational, and supervisory activities of the United Nations Organization in the area of arms and military technology transfers. The text presents the significant position and the efforts of the United Nations in the area of arms and military technology transfers control in the global market.

The article mainly uses legal and institutional analysis, with reference to existing treaties, resolutions, and UN documents. It also uses comparative analysis, by comparing solutions applied in different regions and member states. Analysis of UN data and reports, as well as case studies – examples of countries and conflicts in which UN actions have had varying degrees of effectiveness.

Sanctions Committees constitute a key element of the sanctions monitoring and implementation system. Their primary task is to implement sanctions imposed by the Security Council, including the arms embargo. The committees regularly prepare reports on their activities, including all information regarding recorded problems and identified violations of the sanctions regime.

Sanctions committees themselves are not equipped with the necessary instruments to conduct operational activities. They must rely on the efforts of individual member states and their willingness to cooperate, which can be realized through direct bilateral or multilateral relations, or through the use of regional organizations.

Keywords

international law, law of international organizations, United Nations Organization, arms and military technology transfers, maintaining international peace and security

Introduction

The United Nations Organization (UN), established in 1945, is a unique international organization with a global reach, whose primary purpose is to maintain international peace and security. It is unique in the international arena in many respects. Paramount importance in this discussion is the fact that it includes within its ranks almost all existing states in the world (193 states are currently members of the UN) and possesses regulatory, operational, and supervisory powers that allow it to influence the level of global security, including through activities related to international transfers of arms and military technology.

The membership of almost all existing states in the world means that decisions made within the UN are discussed and consulted within the broadest possible international environment, made by consensus or by voting using appropriate majority procedures (simple majority, qualified majority). Furthermore, by encompassing the broadest possible spectrum of international relations, these decisions set global standards for relations between states.

The United Nations mandate in maintaining international peace and security includes the ability to undertake regulatory, operational, and supervisory activities in the area of disarmament and arms control, including the production, possession, and transfer of weapons and military technology.

The UN's regulatory activities involve the adoption by its bodies and agencies (institutions operating within the broader United Nations system) equipped with appropriate powers under the UN Charter, the organization's internal legal acts, draft legal acts (international agreements), non-legally binding resolutions of political significance, binding decisions addressed to member states, and judgments and legal opinions of its judicial organ, the International Court of Justice.

Operational activities carried out by the UN involve the implementation of specific tasks and projects using its own human resources (international officials, experts, special envoys), financial, technical, and equipment resources, based on the organization's internal decisions.

The UN's supervisory activities involve verifying the degree of implementation of the organization's legal acts and recommendations addressed to member states through ongoing monitoring of the international situation, periodic reports, commissions of inquiry, and other forms of monitoring the activities of states.

United Nations Regulatory Activity in the Area of Transfers of Arms and Military Technology

The UN's regulatory activity primarily encompasses the adoption of internal legal acts of the organization governing the functioning of its bodies, the clarification of their competences, the development of detailed procedures for action and decision-making, and cooperation between bodies. In this respect, the organization's regulatory activity does not concern substantive issues, and in particular, it does not address the discussed issue of military transfers.

Crucial importance in the area under analysis is the initiation and conduct of discussions and negotiations within the organization's forum aimed at enacting and adopting legally binding international instruments in the form of multilateral international agreements. Negotiating draft international agreements within the UN forum constitutes the organization's fundamental and most effective regulatory activity in the sphere of arms control and disarmament, with global and regional reach. Since its inception, the United Nations has been engaged in the process of stopping the escalating arms race between great powers, particularly in the process of stopping the expansion of nuclear weapons worldwide. A postulate pursued from the outset has been full and complete (global) nuclear disarmament under international control.

Within the United Nations, or with its support, key agreements have been negotiated and adopted aimed at banning the proliferation of nuclear weapons, banning nuclear weapons tests, and prohibiting the placement of these weapons in outer space, on the surface of the moon, at the bottom of the seas and oceans, as well as in specific denuclearized parts of the world (Antarctica, Latin America, Southeast Asia, the South Pacific, and Central Asia).

Fundamental international agreements prohibiting the production and possession of other types of weapons of mass destruction, such as chemical and biological weapons, have also been negotiated and adopted within the United Nations.

The UN also made fundamental contributions to the production, possession, and transfer of conventional weapons, contributing to the negotiation and adoption of fundamental international agreements prohibiting the production, possession, and use in armed conflict a weapons that cause unnecessary and excessive suffering to those targeted (e.g., blinding laser weapons) or pose a threat to civilians (e.g., anti-personnel mines, cluster munitions, incendiary munitions).

A crucial legal instrument within the UN Security Council is the ability to adopt a resolution imposing an arms embargo on individual states involved in, or threatened by an armed conflict, as well as designated non-state actors (e.g., Al Qaeda). This is the primary instrument used by the UN to prevent, interrupt, or restrict international military transfers. Such resolutions aim to maintain or restore international peace and security. They are one of the tools available to the UN

Security Council under Chapter VII of the UN Charter, entitled „Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression”.

An arms embargo is adopted by the Security Council in the form of a resolution adopted under Article 41 of the UN Charter by a nine-vote majority of the 15 UNSC members, with the unanimity (concurring) of the five permanent UNSC members (China, France, Russia, the United States, and the United Kingdom). Unanimity/concurring of the permanent Security Council members means no objection (veto) by any of them.

Under the provisions of the UN Charter, UN Security Council resolutions are binding on member states (Article 25 of the Charter: „The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter”).

Depending on the wording used by the Security Council in the resolution, an arms embargo can be voluntary or mandatory. While states are called upon to voluntarily cease supplying arms and ammunition to designated states or organizations, there is no absolute obligation to refrain from such actions. States do not expose themselves to formal sanctions by continuing to transfer arms to regions designated by the Security Council. The issue of a positive international image of a state remains open. However, the imposition of a mandatory embargo by the Security Council formally obliges states to refrain from supplying arms and ammunition to the embargoed regions. According to Article 2, paragraph 5, of the United Nations Charter: „All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action”.

The effectiveness and justification of imposing sanctions in the form of an arms embargo are assessed in various ways. First, it should be noted that the UN Security Council is a political body, it means, it comprises representatives of fifteen states, including five major powers that hold permanent seats on the Council. These states are, of course, responsible for decisions aimed at maintaining international peace and security, but to a large extent, they pursue only their own particular interests. Security Council decisions imposing sanctions, including arms embargoes, or legalizing the use of force in regions affected by armed conflict will always be politically charged. For example, in an internal conflict in which poorly organized and under-armed guerrillas oppose government forces, imposing an arms embargo on both sides of the conflict will clearly impact the guerrillas first, as they lack the ability to independently produce weapons and ammunition, nor do they possess stockpiles. The impact of an embargo on arms supplies in both internal and international conflicts will depend on factors such as the arsenal of weapons and ammunition already possessed by the parties, the ability to independently produce weapons and military equipment, and the possibility of

purchasing weapons on the black market, which is naturally expanding dynamically as a result of the introduction of an official, mandatory embargo¹.

During the Cold War, between 1945 and 1989, the UN Security Council twice adopted resolutions imposing mandatory arms embargoes.

The first case concerned Rhodesia – a British colony where, in the 1960s, independence, anti-colonial movements representing the black majority clashed with the white population, which wanted to maintain dominance with the prospect of establishing an independent state. Because the British government was inclined to transfer power in the new state to the black majority, the white inhabitants of Rhodesia decided in 1965 to declare independence for a new state in which, thanks to appropriate legal regulations (particularly electoral laws requiring property qualifications for elections to representative bodies), they could assume full power. This state was not recognized by the international community, particularly the UN and the African Union. Simultaneously, the situation escalated. A civil war broke out and lasted until the late 1970s. On December 16, 1966, the UN Security Council decided to impose on Southern Rhodesia (as the British colony officially operated, despite declaring independence and adopting the abbreviated name of Rhodesia) an arms embargo². The embargo covered the supply of weapons and ammunition of all types, combat aircraft, military vehicles, and equipment and materials for the production or maintenance of weapons and ammunition. The embargo was not lifted until 1979.

The second case when the UN Security Council imposing a mandatory arms embargo concerned South Africa (preceded by a voluntary embargo). In its Resolution 418 of November 4, 1977, the Security Council decided that all deliveries of arms and ammunition to South Africa threatened international peace and security. This assessment was related to the South African government's apartheid policy. In the introduction of this Resolution, the Security Council called on the South African government to end mass repression, including the killing of African people, schoolchildren, students, and other protesters against racial discrimination. It also pointed South Africa's acts of aggression against neighboring countries, which the Security Council considered to directly threaten peace and security in the region. The embargo was lifted in 1994.

After the end of the Cold War, the UN Security Council used the arms embargo instrument more frequently, more than twenty times in total.

On August 6, 1990, following Iraq's invasion of Kuwait, the Security Council adopted Resolution 661, imposing a mandatory arms embargo on Iraq and Kuwait. It is noteworthy that the Security Council itself, in its resolution of August 2, 1990³, declared that Iraq had unlawfully invaded neighboring Kuwait and called on Iraqi troops to withdraw from Kuwait. The Council thus designated the

¹ M. Karczewski, System kontroli i regulacji międzynarodowego handlu uzbrojeniem, „Przegląd Strategiczny” 2011, no. 2, p. 61.

² Resolution 232 of December 16, 1966.

³ Resolution No. 660 of August 2, 1990.

aggressor. Simultaneously, the arms embargo was imposed on both the aggressor and the victim of the armed, unprovoked attack.

Subsequent arms embargoes affected Yugoslavia (1991), Libya (1992), Haiti (1993), Angola (1993), Rwanda (1994), Liberia (1995), Sierra Leone (1997), Eritrea and Ethiopia (2000), Côte d'Ivoire (2004), and Mali (2017). These embargoes have since been lifted. Currently, a number of committees continue to monitor existing arms embargoes against countries and entities such as Sudan, South Sudan, the so-called Islamic State and Al Qaeda, the Democratic Republic of the Congo, Guinea-Bissau, the Central African Republic, and Yemen.

If the UN Security Council imposes an arms embargo, member states are obligated to refrain from such deliveries to the embargoed areas. They are also obligated to prevent any attempted military transfers by their own citizens or by third parties from their territory. States should also establish their own legal regime to sanction violations of the embargo by persons within their criminal jurisdiction. The Polish Penal Code of 1997 includes Article 121, which states: „§ 1. Whoever, contrary to the prohibitions of international law or the provisions of the Act, produces, accumulates, acquires, sells, stores, transports, or transfers means of mass destruction or means of warfare, or conducts research aimed at producing or using such means, shall be subject to a penalty of imprisonment of 1. to 10. Years”⁴. Thus, the Polish legislator has provided a specific criminal penalty for the illegal transfer of weapons (means of warfare) that violates the prohibitions of international law. It is important to emphasize here that a Security Council resolution establishing an arms embargo on a specific state or entity does not constitute a formal source of international law. It does not create a general and abstract legal norm. The adoption of such a resolution by the UN Security Council constitutes an application of law, in this case, the provisions of the UN Charter. This does not change the fact that such a resolution is a source of obligations for UN member states in a specific case; it establishes a „prohibition under international law”, a term used by Polish legislators.

Remaining within the scope of Polish legislation, Article 6b of the Act of 29 November 2000 on Foreign Trade in Goods, Technologies, and Services of Strategic Significance for State Security and the Maintenance of International Peace and Security should be noted. This provision authorizes the Council of Ministers to establish, by Regulation, a list of countries with which trade in certain goods of strategic significance is prohibited or restricted, taking into account public security and human rights requirements, and in the case of armaments, also the defense or security needs of the Republic of Poland, as well as the Republic of Poland's obligations under international agreements and arrangements, and alliance commitments. Currently, the Council of Ministers has not issued a valid regulation specifying the countries to which the transfer of arms is prohibited or restricted.

⁴ Polish Penal Code 1997 (consolidated text of the Act Journal of Laws of 2025, item 383).

The last regulation of this type was issued by the Council of Ministers in 2009⁵. However, it was deemed repealed by the Act of 25 May 2012 amending the Act on foreign trade in goods, technologies and services of strategic importance for state security, as well as for maintaining international peace and security, and certain other acts⁶.

As B. Wood, head of arms control research and policy at Amnesty International's International Secretariat in London, writes in his report: „Not all UN member states have included criminal provisions in their domestic legislation for violations of UN arms embargoes”⁷. The lack of sanctions in domestic law for violating the arms embargo imposed by the UN Security Council may result in impunity for perpetrators of such violations and render the UN sanctions system leaky and, therefore, ineffective.

Another manifestation of the United Nations' regulatory activity in the area of arms and military technology transfers are political resolutions adopted by various UN bodies, particularly the UN Security Council and the UN General Assembly. Such resolutions are classified as *soft law* because they formally have no direct legal consequences, and non-compliance does not result in international sanctions. Nevertheless, due to the authority and political position of the legislative body, they exert diplomatic and political pressure and indirectly influence the behavior and attitudes of states. The term *soft law* itself is not the most appropriate, as this category of resolutions by international organizations is not formally considered law, neither hard nor soft (a classification unknown to legal scholarship). Nevertheless, the term has become widely accepted and, with the above conditions, is used in international law doctrine.

An example of this type of activity are the above-mentioned Security Council resolutions imposing a non-mandatory arms embargo.

At the same time, no resolution of the UN General Assembly, in accordance with the provisions of the UN Charter, is legally binding, including resolutions relating to disarmament and transfers of weapons and military equipment.

The UN General Assembly has actively expressed its views through its resolutions on global and regional disarmament, the excessive accumulation of conventional ammunition, the prohibition of biological and chemical weapons, the military expenditure of states, the fight against terrorism, the international arms trade, and the control of transfers of small arms and light weapons⁸.

In this context, it is worth highlighting the UN General Assembly resolutions addressing the illicit trade in small arms and light weapons. The foundational

⁵ Journal of Laws of 2009, No. 183, item 1427.

⁶ Journal of Laws of 2012, No. 10, item 707.

⁷ B. Wood, Strengthening compliance with UN arms embargoes – key challenges for monitoring and verification, Amnesty International March 2006: <http://www.smallarmssurvey.org/fileadmin/docs/L-External-publications/2006/2006-Wood-EU-arms-embargoes-compliance.pdf>, [access: 15.11.2025].

⁸ The list of initiatives in the form of UNGA resolutions is available on the UN website at: <https://www.un.org/disarmament/general-assembly/> [access: 15.11.2025].

document in this area is the 2001 United Nations Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects⁹.

By Decision 55/415 of 20 November 2000, the General Assembly decided to convene a UN conference on the illicit trade in small arms and light weapons in New York from 9 to 20 July 2001. The conference resulted in the aforementioned United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. The document is strictly political in nature, meaning it does not contain legally binding commitments. In the preamble to this document, the participating States expressed concern about the illicit production, transfer, and circulation of small arms and light weapons, and their excessive accumulation. States noted that they recognize the uncontrolled proliferation of small arms and light weapons in many regions of the world, which impacts the humanitarian and socio-economic situation in these regions and poses a serious threat to peace, security, reconciliation, stability, and sustainable development at the individual, local, national, regional, and international levels. Therefore, they decided to establish a series of implementable commitments at the national, regional, and international levels aimed at preventing, combating, and eliminating the illicit trade in small arms and light weapons.

The above activities are complemented by the International Instrument for the Identification and Tracing of Illicit Small Arms and Light Weapons of 8 December 2005¹⁰. This is also a purely political document.

The purpose of this instrument is to enable States to identify and trace illicit transfers of small arms and light weapons and to promote and facilitate international cooperation and assistance in marking and tracing such weapons. The instrument is intended to enhance the effectiveness and complement existing bilateral, regional, and international agreements to prevent, combat, and eradicate the illicit trade in small arms and light weapons in all its aspects. This instrument does not restrict the right of States to acquire, produce, transfer, and retain small arms and light weapons for self-defense and security, or their ability to participate in peacekeeping operations, in accordance with the Charter of the United Nations.

United Nations Operational Activities in the Area of Arms and Military Technology Transfers

Within the broad operational activities of the UN General Assembly, the work of two bodies can be distinguished: the Committee on Disarmament and International Security (the so-called First Committee. The General Assembly comprises six so-called Principal Committees, which provide a forum for discussion among UN member states on issues grouped thematically: - Committee I –

⁹ A/CONF.192/15, 20 July 2001.

¹⁰ UN Doc. A/CONF.192/15.

Disarmament and International Security, - Committee II – Economic and Financial Affairs, - Committee III – Social, Humanitarian, and Cultural Affairs, - Committee IV – Special Political and Decolonization Affairs, - Committee V – Administrative and Budgetary Affairs, - Committee VI – Legal Affairs) and the United Nations Disarmament Commission.

The First Committee addresses disarmament, global challenges, and threats to peace that affect the international community and seeks to develop solutions to these challenges and threats within the international security system. The Committee considers all disarmament and international security issues covered by the UN Charter or relating to the powers and functions of any other United Nations organ. It formulates general principles of cooperation in maintaining international peace and security, as well as principles concerning disarmament and armaments regulation. Through its work, the First Committee promotes agreements and measures of cooperation aimed at increasing international stability through lowering armaments levels. The Committee works in close cooperation with the UN Commission on Disarmament and the Conference on Disarmament in Geneva.

In 1952, the UN General Assembly, by Resolution 502 (VI), established the United Nations Commission on Disarmament (UNDC), with general responsibility for universal and complete disarmament. From the outset, the body's activity was minimal, and after 1959, the Commission's members met only occasionally.

In 1978, at the first special session of the General Assembly devoted to disarmament, another Commission on Disarmament was established as a subsidiary body of the General Assembly, consisting of all United Nations Member States. The Commission was designed as a consultative body, tasked with taking action in response to relevant decisions and recommendations of the special session. The Commission reports annually to the General Assembly on its activities.

As part of its role, the UNDC focuses on a limited number of agenda items at each session. In 1989, it was decided that, to allow for in-depth consideration of disarmament and arms control issues, the substantive agenda should be limited to a maximum of four items. Since 1993, in practice, two to three items have been considered, each for three consecutive years. In 1998, by Decision No. 52/492, the General Assembly decided that, starting in 2000, the agenda would include only two substantive items per year across all disarmament issues, one of which would concern nuclear disarmament. The Commission on Disarmament meets for three weeks each spring. It conducts its deliberations in plenary sessions and working groups. The number of working groups depends on the number of substantive items on the agenda. Over the years, the UNDC has formulated principles, guidelines, and recommendations on numerous topics, which have subsequently been approved by the General Assembly. However, over the past two decades, the Commission's work has failed to achieve any significant results. The UNDC is supported by the Office of Disarmament Affairs and, technically, by the Department of Economic and Conference Affairs.

UN operational activities also include reports of the UN Secretary-General and reports, projects, and opinions of the UN International Law Commission.

Another manifestation of UN operational activities is co-financing the elimination of post-conflict weapons. Based on UN General Assembly Resolution 52/38G of 9 December 1997, the Group of Concerned States was established. This open-ended group meets periodically to analyze and support practical disarmament projects at the local and national levels. The United Nations Trust Fund for the Consolidation of Peace through Practical Disarmament Measures, established in August 1998 at the initiative of a group of concerned states, became the financing instrument for this assistance. The Fund is administered by the United Nations Department of Disarmament. Another important source of financial support for projects aimed at collecting and destroying conventional weapons is the UNDP Trust Fund for the Prevention and Reduction of the Proliferation of Small Arms and Light Weapons.

As it mentioned above, the United Nations established the United Nations Trust Fund for the Consolidation of Peace through Practical Disarmament Measures. The Fund's objectives include, among others: assisting states affected by illicit trafficking in persons and small arms and light weapons in their efforts to consolidate peace through disarmament, including through activities such as collecting, storing, and securing weapons from demobilized personnel and their destruction. The Fund promotes the exchange of national and regional experiences in the collection and destruction of weapons, particularly small arms and light weapons, and the reintegration of former combatants into society after the end of armed conflict. The Fund also contributes to increased harmonization of national legislation and the exchange of information between states to monitor cross-border, illicit transfers of small arms and light weapons.

The International Atomic Energy Agency (IAEA) is a key body in the field of nuclear disarmament and arms control. It supervises states using nuclear technology for peaceful purposes. The Agency monitors several hundred nuclear facilities in over 70 countries. To date, 152 countries have concluded 237 nuclear security agreements with the agency¹¹.

The United Nations is leading the global anti-personnel landmine clearance effort in dozens of countries, including Afghanistan, Angola, Bosnia and Herzegovina, Iraq, Mozambique, and Sudan. It also supports affected countries in disposing of stockpiled anti-personnel landmines¹².

The United Nations Office on Drugs, Narcotics and Crime (UNODC) works with governments and civil society organizations to combat transnational organized crime, offering legal and technical assistance in areas such as anti-corruption, money laundering, drug smuggling, human and migrant trafficking, and the

¹¹ Sześćdziesiąt sposobów poprzez które ONZ zmienia świat. Available at: (<http://www.unic.un.org.pl/aktualnosci/szescdziesiat-sposobow-poprzez-ktore-onz-zmienia-swiat/832#sthash.gPAuGHae.dpuf>), [access: 15.11.2025].

¹² Ibidem.

illicit arms trade. The Office has played a key role in the development and implementation of international treaties addressing transnational organized crime¹³.

United Nations Supervisory Activities in the Area of Arms and Military Technology Transfers

The most important supervisory instrument in the hands of the United Nations is the Register of Conventional Arms, established by General Assembly Resolution A/RES/46/36 of 6 December 1991.

The first attempts to create a universal register of arms and their international transfers date back to the League of Nations, which established a special office tasked with collecting and publishing data on export licenses issued by states authorizing arms transfers. In 1924, the League of Nations published the *Armaments Yearbook*, which included data on states' military capabilities and purchases. After World War II, proposals to establish a public and universal arms register within the United Nations were submitted several times by UN member states. In 1965, Malta submitted such a proposal, and two years later, Denmark. In 1976, Japan requested the UN Secretary-General to undertake a study on the issue of international military transfers. However, none of these initiatives gained significant support from the international community due to the ongoing East-West tensions and the unwillingness of the major powers to officially inform the international public about ongoing arms transfers.

The establishment of a public and open register of conventional weapons became possible only after the end of the Cold War and the dissolution of the Warsaw Pact. Concurrently with these events, Iraq launched an armed attack on neighboring Kuwait in 1991. After Iraqi forces were driven out from Kuwait by an international coalition of states acting in collective self-defense (the so-called Gulf War, or the First Iraq War), a political and military assessment of the entire war was conducted. It was then revealed that Iraq's aggressive attack was possible because it had been able to accumulate significant quantities of uncontrolled conventional weapons in the years preceding the invasion. These weapons originated from many different countries, including the United States and European states¹⁴.

In General Assembly resolution A/RES/46/36 of 6 December 1991, which addressed numerous issues, including complete and universal disarmament, exploring the potential of military resources for civilian environmental protection, the relationship between disarmament and development, the prohibition of the production of fissile material for military purposes, the prohibition of the production,

¹³ Ibidem.

¹⁴ R. Stohl, S. Grillot, *The International Arms Trade*, „Polity Press” 2009, p. 146. Available at: www.unic.un.org.pl/aktualnosci/szescdziesiat-sposobow-poprzez-ktore-onz-zmienia-swiat/832#sthash.gPAuGHae.dpuf. [access: 15.11.2025].

stockpiling, and use of radioactive weapons, international arms transfers, and, finally, transparency in arms, the UN General Assembly requested the Secretary-General to establish and maintain at United Nations Headquarters in New York a universal and non-discriminatory register of conventional arms, which would also include data on international arms transfers. UN member states would voluntarily submit annual reports on their arms production and transfer activities (beginning on 1 January 1992).

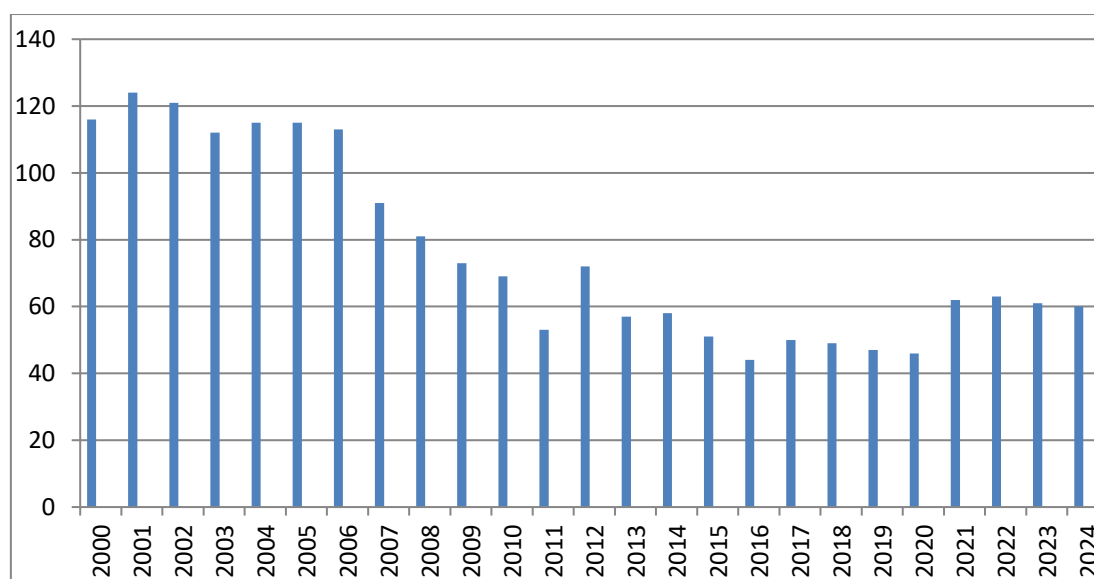
Transparency in arms production and transfers can contribute to determining whether excessive or destabilizing weapons accumulation is occurring in a given country or region. Transparency regarding arms production and acquisition can promote restraint in arms production or transfers and can act as an element of preventive diplomacy. Since its inception in 1991, the UN Register of Conventional Arms has received reports from over 170 countries. As can be read on the official UN website, the vast majority of official arms transfers are reported to the Register. However, among these 170 countries, reports are not submitted regularly by all of them and are not always complete, it means they contain only information on official arms transfers, excluding, of course, transfers classified for national security purposes.

Reports submitted by UN member states include data on arms transfers, as well as information on resources, domestic purchases, and policies implemented in this area.

Following the establishment of the Register, states agreed to continue work on expanding its scope. Discussions are held within the Group of Governmental Experts, which meets every three years and reports to the General Assembly, which can then adopt a resolution containing the Group of Experts' recommendations. The latest report of the Group of Governmental Experts was issued on July 22, 2019. The work of the governmental experts resulted in the 2003 expansion of the list of conventional weapons subject to reporting to the Register to include small arms and light weapons.

UN Member States are requested to submit their national reports by the end of May each year, so that the UN Secretary-General can present an official summary report containing all submitted data to the General Assembly in July. Quantitative analysis shows that since the Register's inception throughout the 1990s, the average number of states submitting annual reports was 94. In 2001, a record number of 124 states submitted their reports. However, since then, over the next twenty years, the number of states submitting any data to the UN Register of Conventional Arms has steadily declined. In 2016, the lowest level of state involvement since the Register of Conventional Arms began was recorded. Only 44 states submitted their reports. Since 2020, there has been a slight increase in the number of states submitting their reports to the UN Secretary-General (it may be related to the development of the conflict in Ukraine).

Table 1. *Number of countries contributing data to the UN Register of Conventional Arms from 2000 to 2024*



Source: <https://www.unroca.org/participation> [access: 15.11.2025].

It should be noted that the reports submitted by states often contain no data, it means that they did not produce, purchase, or sell any military equipment in a given calendar year (so-called blank reports). Despite this, states submit blank tables, thus fulfilling their obligation to annually inform the UN Secretary-General about completed transactions or transfers of military equipment. Thanks to this, the UN exercises its supervisory function regarding military transfers, noting the absence of activity in given states and regions that could potentially lead to excessive or dangerous accumulation of weapons.

The relatively low level of interest among states in disclosing the scale of their involvement in international military transfers in recent years may have potentially several causes. First, it may indicate a real decline in production and a decrease in the intensity of circulation of military equipment, which means that states that have previously submitted so-called blank reports are losing interest in informing the UN Secretary-General about their lack of activity in this area in subsequent years. Such fluctuations in the intensity of production and transfers of military equipment can indeed be observed during certain periods directly related to the international situation worldwide or in specific regions. The end of the Cold War, the increase in ethnic conflicts in African countries, the disintegration of the former Yugoslavia, the growing tensions in the Middle East, the Arab Spring, the war in Ukraine, etc., all lead to an increase in demand for weapons and ammunition, which in turn automatically drives supply. At the same time, the decreasing threat level and the end of conflicts and inflammatory situations in various regions of the world reduce the intensity of military transfers. However, this does not appear to be the decisive factor in the systematic decline in the

number of countries submitting reports to the UN Register of Conventional Arms over the years.

Secondly, the UN Register of Conventional Arms was established after the end of the Cold War, in the early 1990s. Its open nature meant it would allow for the control of the production and international transfers of major types of conventional weapons, preventing their excessive and dangerous accumulation, which could ultimately lead to armed conflict between states. Such conflict was seen at the time as the greatest potential threat to international peace and security. The categories of conventional weapons covered by the UN Register posed a potential instrument for conducting such warfare. It soon became clear that the Register did not include small arms and light weapons, whose uncontrolled proliferation had become a major factor destabilizing the situation within states torn by internal conflicts in the 1990s. Hence, in 2003, the idea arose for states to also report the production and international transfers of small arms and light weapons to the Register.

In 2001, in response to the terrorist attacks in New York (al-Qaeda terrorists using hijacked planes to attack the World Trade Center), US President George Bush Jr. announced the entry into the „war on terror“. The United States, and with them the entire Western world, faced new threats. Combating these new threats required a new military doctrine and new instruments to implement it.

Furthermore, military operations in Ukraine, which has been grappling with a rebellion by Russian-speaking people in its eastern territories (Donbas, Luhansk, and Crimea) since 2014, led to the development of a new concept: „hybrid warfare“, which, alongside traditional methods of armed combat, utilizes a wide range of covert, camouflaged means of harming the enemy, utilizing modern IT tools, including widespread propaganda and disinformation.

The concept of „hybrid warfare“ is closely related to the issue of „cyberwar“ waged in the information space of developed countries. Modern information societies operate within networks of electronic connections. Modern states, ensuring the well-being and security of their citizens, have created a computerized structure that allows them to meet basic social needs using electronic communication devices. Systems supplying electricity, municipal water supply, banking systems, and state management and administration systems in peacetime, crisis, and war have all been computerized. Connecting various systems of state and society into a single information and communication network undoubtedly brings tangible benefits, but it also creates new challenges and threats to the functioning of these systems. The possibility of paralyzing a state's information and communication systems poses a real threat to citizens, not only their financial security in the event of an attack on banking systems, but also their lives and health in the event of an attack on the water supply network, electrical infrastructure, or medical facilities.

All of the phenomena described above have focused the attention of a significant portion of the international community on new threats. This may have led

to a decline in states' interest in cooperating with the UN on controlling military transfers of basic categories of conventional weapons that could potentially be used in armed conflict, as traditionally defined and perceived. M. Macenowicz also points to new threats to the structure of international security, such as terrorism and asymmetric conflicts, as reasons for the decline in states interest in the UN Register of Conventional Arms in his article entitled „Transparency of states' obligations regarding the arms trade. Legal issues”¹⁵.

The Republic of Poland systematically submits data on arms production and exports to the UN Register of Conventional Arms, thus fulfilling its political obligations as a member of the United Nations. However, because this data transfer does not stem from legally binding international obligations, Poland has not established a corresponding procedure in its domestic law. For example, the Republic of Poland, as a member of the European Union, is obligated, in accordance with Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing the control of exports of military technology and equipment, to prepare information on arms and military technology exports annually. Such a report is submitted to the relevant EU bodies by the end of the third quarter of each year by the Polish Minister of Foreign Affairs. The data thus collected is then published by the EU in the form of the annual European Union Report on Arms Exports. In the case of reporting to the European Union, the Polish legislator has provided a specific statutory obligation imposed on the Minister of Foreign Affairs in Article 27c of the Act of 29 November 2000 on Foreign Trade in Goods, Technologies, and Services of Strategic Significance for State Security and the Maintenance of International Peace and Security. This article obliges the Minister responsible for Foreign Affairs to prepare annual reports on arms exports and submit them to the competent authorities of EU Member States. Furthermore, the same article obliges the Minister of Foreign Affairs to publish the aforementioned report. This statutory obligation is a consequence of EU law binding on Poland. In the case of the UN Register of Conventional Arms, its establishment by a General Assembly resolution did not create a legally binding obligation to transpose the General Assembly resolution into the legal system of the Republic of Poland.

For the first time, Poland did not include data on the import of key categories of conventional weapons in its 2024 report to the UN. Since 2022, Poland has also not reported the number of key classes of weapons transferred to Ukraine to the UN Register.

Another manifestation of the United Nations' supervisory activities in the area of international transfers of arms and military technology is the so-called Sanctions Committees, established by the UN Security Council to monitor the effectiveness of sanctions imposed by the UN, including the arms embargo.

Sanctions Committees constitute a key element of the sanctions monitoring and implementation system. Their primary task is to implement sanctions

¹⁵ M. Macenowicz, Transparency of states' obligations regarding the arms trade. Legal issues, „Krytyka Prawa” 2015, vol. 7, no. 1. pp. 263–280.

imposed by the Security Council, including the arms embargo. The committees regularly prepare reports on their activities, including all information regarding recorded problems and identified violations of the sanctions regime.

Sanctions committees themselves are not equipped with the necessary instruments to conduct operational activities. They must rely on the efforts of individual member states and their willingness to cooperate, which can be realized through direct bilateral or multilateral relations, or through the use of regional organizations. Information can also come from UN Peacekeeping Forces stationed in embargoed areas. In such situations, special monitoring inspectors (Sanctions Monitors) can be dispatched to areas secured by UN troops. The committees also utilize the option of establishing additional independent expert groups or panels (Panels of Experts) tasked with providing recommendations to the committees regarding changes to the sanctions monitoring system.

The effects of cooperation with states depend on their political commitment and goodwill to comply with international law. The establishment by states of appropriate domestic legal norms and the effectiveness of domestic procedures are indicators of such commitment and should be broad enough to encompass all types of weapons and allow for the control of all entities involved in weapons production, accumulation, storage, transfer, brokerage, financing, and ultimately use¹⁶.

The Republic of Poland does not devote much space in its domestic legislation for cooperation with international organizations, particularly regarding compliance with sanctions imposed by these organizations. The key provision in this regard appears to be Article 121 of the Polish Penal Code, cited above, which prohibits the sale and transfer of weapons of mass destruction and conventional weapons, as established by international law, including the UN Security Council resolution imposing an embargo on the sale and delivery of arms to specific countries or organizations. Under this provision, Polish law enforcement authorities may conduct proceedings against individuals within Polish criminal jurisdiction who have committed violations of the embargo imposed by the UN Security Council.

However, there are no procedural standards in Polish law that would define the principles of cooperation with UN bodies, institutions, and individuals (Sanctions Monitors) in monitoring the integrity and effectiveness of the arms embargo. In such cases, it is possible to apply, *mutatis mutandis*, the standards on foreign legal assistance and the provisions binding on Poland regulating the legal status of UN officials – the Convention on the Privileges and Immunities of the United Nations, approved by the United Nations General Assembly on 13 February 1946. Chapter VI of this Convention establishes the category of experts sent on UN

¹⁶ B. Wood, Strengthening compliance with UN arms embargoes – key challenges for monitoring and verification, Amnesty International March 2006. <http://www.smallarmssurvey.org/fileadmin/docs/L-External-publications/2006/2006-Wood-EU-arms-embargoes-compliance.pdf>, [access: 15.11.2025].

matters, to whom it grants a number of diplomatic privileges and immunities in the performance of their duties. However, the Convention does not provide any additional rights or facilities for such „experts” regarding access to locations and documents, nor does it impose any specific obligations on state authorities or administrative bodies to cooperate. Other specialized bodies addressing disarmament and arms control issues within the UN system include the Conference on Disarmament, held in Geneva and the only multilateral international forum for disarmament negotiations; the United Nations Institute for Disarmament Research, which conducts research on emerging disarmament issues; the Advisory Board on Disarmament Matters, which advises the UN Secretary-General on disarmament matters; and the Department of Disarmament Affairs (UNODA), which implements decisions made by the UN General Assembly in the field of disarmament.

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