

**FHSMUN XXIX
SPECIAL SESSION OF THE GENERAL ASSEMBLY**

**ASSISTANCE TO STATES IN CURBING THE ILLICIT TRAFFIC IN SMALL
ARMS AND LIGHT WEAPONS**

“Nuclear, chemical and biological weapons may grab the world’s attention as threats to human life. But it is hand-held and cheap weapons that deliver most violent death in wars today.”¹

“*Convinced* that the protection of human rights must be central to the development of further principles and norms regarding the availability, transfer and misuse of small arms and light weapons and that to maximize human rights protection for the greatest number of people, both in their own societies and in the international community, States must take steps not only to prevent violations of human rights by State officials with small arms, but also to reduce small arms violence by private actors,”²

Introduction

Widely accepted estimates place the number of small arms and light weapons (SALW’s) in worldwide circulation at over 600 million, roughly 1 for every 10 people on the planet. Many of these firearms are owned legally and are for either hunting or personal protection but tens of millions of these weapons, which are defined as weapons that can be carried by 1-2 men or a small pack animal, are used every year to commit crimes. While the UN System does not have the authority to ban private gun ownership, and furthermore is not seeking to do so, a number of gun ownership advocates around the world have made allegations about the UN’s alleged intentions. This special session of the General Assembly must strive to improve the UN System and the international community’s operational capacities to track and ultimately remove illegally owned weapons from worldwide circulation, particularly in the many instances where these firearms fuel already existing conflicts.

Scale of the Problem

The availability of small arms and light weapons (SALW’s) in many societies is truly alarming. Recent reports have noted that “a Kalashnikov rifle costs as little as \$30 and there are some 70m [million] of them scattered around conflict-ridden places.”³ In the United States alone, there are an estimated 200+ million small arms and light weapons (SALW’s) in circulation; even if the vast majority of these weapons are owned legally, there are still tens of millions that are owned and controlled by criminals. The transfer of weapons is one of the most important and difficult issues, particularly when international arms brokers help interested parties break weapons embargoes and

¹ *The Economist*, “Small weapons of mass destruction” June 29, 2006.

² Mohammed Habib, “Adoption of the Report on the Fifty-Eighth Session to the Human Rights Council: Draft Report of the Sub-Commission on the Promotion and Protection of Human Rights” A/HRC/Sub.1/58/L.11/Add.1 August 24, 2006 p. 4.

³ *The Economist*, “Small weapons of mass destruction” June 29, 2006.

restrictions. As international organizations, national governments and local communities deal with the problems caused by the illicit transfer of small arms and light weapons (SALW's), they must collaborate with non-governmental organizations (NGO's), such as the International Action Network on Small Arms (IANSA), and civil society partners.

As borders have become increasingly porous in many parts of the world, it has become correspondingly easier for arms dealers to smuggle illegal weapons into conflict zones and to new markets. Strategies that simultaneously address both the supply and demand components of weapons smuggling must inform the priorities of the UN System and this Special Session of the General Assembly. The importance of a true multistakeholder dialogue and subsequently implemented plan of action involving the UN System, national governments, non-governmental organizations (NGO's), and arms manufacturers and merchants cannot be overstated. Licensing and registering small arms and light weapons (SALW's) would greatly aid governments, international organizations, NGO's, and all relevant civil society partners in preventing the smuggling and distribution of illicit SALW's. In post-conflict situations, preventing ex-combatants from acquiring and using illegal SALW's is vital to ensuring that conflicts do not reignite.

UN System and Small Arms and Light Weapons (SALW's)

The UN System has become increasingly concerned with the proliferation and illicit transfer of small arms and light weapons (SALW's) because of the horrible potential for renewed and continued violence as a result of the wide availability of these weapons. On January 10, 2008, the General Assembly (UNGA) adopted resolution 62/47 (A/RES/62/247) on "the illicit trade in small arms and light weapons in all its aspects," and in the resolution, the General Assembly called "upon all states to implement the International Instrument to Enable States to Identify and Trace... Illicit Small Arms and Light Weapons", known as the UN Firearms Protocol, and also encouraged states to coordinate their national efforts with other countries as well as the entire UN System.⁴ The Security Council has specifically alluded to the problems posed by SALW's, especially in West Africa.⁵ In February 2006, then UN Secretary-General Kofi Annan issued his final report on small arms; in the report, he noted that national governments and law enforcement agencies need to draw upon the "significant progress" achieved by the Coordinating Action on Small Arms (CASA) mechanism as well as the need to utilize and support the Interpol Weapons and Explosives Tracing System (IWeTS).⁶

In 2001, the UN System adopted the UN Programme of Action on Small Arms, a non-binding agreement aimed at reducing the flow of illicit SALW's to conflict zones and criminals. In July 2005, the UN Firearms Protocol went into effect after Poland and Zambia became the 40th and 41st states to ratify this legally binding supplement to the United Nations Convention Against Transnational Organized Crime. The United Nations Information Service (UNIS) summarized the UN Firearms Protocol thus: "By ratifying the Firearms Protocol, States make a commitment to adopt a series of crime control

⁴ A/RES/62/47 January 10, 2008 pp. 2-3.

⁵ S/RES/1467 March 18, 2003.

⁶ Kofi Annan, "Small arms: Report of the Secretary-General" S/2006/109 February 17, 2006 pp. 2-3.

measures and implement in their domestic legislation three sets of provisions: the first set of provisions establishing criminal offences related to illegal manufacturing of or trafficking in firearms on the basis of the Protocol requirements and definitions; the second set of provisions setting up a system of government authorizations or licensing, to ensure legitimate manufacturing of and trafficking in firearms; and the third set relating to the marking and tracing of firearms.”⁷ A number of UN member states are establishing national registers of small arms and light weapons (SALW’s), often in response to civil society pressures in the aftermath of horrific instances of gun violence.⁸ These registers are sometimes opposed by organizations representing gun owners, including the politically powerful National Rifle Association (NRA) in the United States.

The UN System’s efforts at achieving disarmament and preventing further conflict and war are by necessity multistakeholder dialogues amongst relevant UN bodies, national governments, NGO’s, and arms manufacturers and dealers. In the process of expanding the reach of the Register of Conventional Arms, the General Assembly First Committee has issued several key resolutions and reports. During recent discussions in New York, delegates to the First Committee stressed the need for greater international cooperation and the effectiveness of both national and international actions. Moldova’s Alex Tulubre “noted that illegal production and trafficking in such weapons provided financial support for the internal conflict in Moldova’s Transnistrian region and its separatist regime.” Tulubre further asserted that “a step-by-step approach in elaborating such a treaty was reasonable, since not all States had agreed to conclude compulsory instruments regulating the arms trade.”⁹ Delegates from many other countries pointed to the need for improvements in the licensing and registering of weapons and the necessity of working effectively with the UN, Interpol, and neighboring countries to stem the flow of illicit weapons.

The UN System’s commitment to reducing the threat posed by the illicit trade in small arms and light weapons (SALW’s) is evident in recent efforts such as the UN Review Conference on the Implementation of the Programme of Action regarding SALW’s in New York in June and July 2006 as well as continued efforts to obtain universal adherence to the UN Standardized Instrument for Reporting Military Expenditures. Increasing transparency in military budgets is essential for domestic civil society constituencies as well as reducing international uncertainty. Then Secretary-General Kofi Annan noted that UN member states were increasingly working with the UN Standardized Instrument for Reporting Military Expenditures, that “the average participation has remained at around 115 for the past five years, compared to less than 100 in the 1990’s,” although “some member states have not been participating consistently, however, and some have never participated.”¹⁰ Increasing transparency will

⁷ United Nations Information Service (UNIS), “United Nations Firearms Protocol Enters into Force” Vienna July 3, 2005. Found at: <http://www.unis.unvienna.org/unis/pressrels/2005/unisecp517.html>

⁸ *BBC News*, “Anger over UK gun register delay” March 2, 2006.

⁹ GA/DIS/3327 “SMALL ARMS TRAFFIC FUELS CONFLICTS, UNDERMINES STABILITY, DEVELOPMENT FIRST COMMITTEE TOLD IN CONTINUED DEBATE” New York October 13, 2006.

¹⁰ Kofi Annan, S/2006/109 February 17, 2006 p. 16.

not reduce SALW violence by itself, however; it must be accompanied by enhanced law enforcement efforts aimed at reducing human rights violations by state and private actors.

The UN System's focus on reducing the deleterious effects of gun violence is exemplified by the efforts of Dr. Barbara Frey, the UN Special Rapporteur on Small Arms and Human Rights Violations, and the Human Rights Council (HRC). The Human Rights Council (HRC) in a recent report by the Sub-Commission on the Promotion and Protection of Human Rights not only called for improved efforts by governments to enforce appropriate national and international regulations on the use of force by state agents but also that governments must focus on the actions of private actors. One key step that has been emphasized by the Human Rights Council (HRC) as well as Interpol and others is the need for governments to "require that at the time of manufacture, each small arm has a unique permanent mark providing, at a minimum, the name of the manufacturer, the country of manufacture and the serial number."¹¹ The activities of arms brokers are critical when devising comprehensive solutions to the illicit trade and trafficking of small arms and light weapons (SALW's). Daniel Prins, Chairperson of the Group of Governmental Experts on combating the illicit brokering in small arms and light weapons, noted that "operating in a particularly globalized environment, illicit brokers – who, contrary to traders, often do not own the goods they deal in – capitalize on the increased opportunities in international transportation, finances and communication."¹² In recent years, at least 40 UN member states have enacted legislation and national plans of action to combat illicit arms brokering but these efforts must be truly universal to effectively ensure that conflicts do not deepen or reignite and that human rights violations by private actors do not further destabilize affected societies. The Group of Governmental Experts cited the work done at the regional level by the states of the African Union (AU), the Organization of American States (OAS), including the Andean Plan to Prevent, Combat and Eradicate Illicit Trade in Small Arms and Light Weapons in All Its Aspects, as well as by the Organization for Security Cooperation in Europe (OSCE), the European Union (EU), and the Asia-Pacific Economic Cooperation (APEC).¹³

Illicit arms brokering is especially pernicious because it frequently allows individuals and networks to routinely violate arms embargoes, thus fueling further violence in conflict ravaged societies. The Group of Governmental Experts recently pointed out that "analyses of such activities revealed that illicit brokers typically conduct their business by exploiting legal loopholes, evading customs and airport controls, and falsifying documents such as passports, end-user certificates and cargo papers."¹⁴ States must cooperate more effectively with the UN Security Council and Interpol in order to prevent illicit arms brokers from continuing to funnel weapons into wars and conflict

¹¹ Mohammed Habib, "Adoption of the Report on the Fifty-Eighth Session to the Human Rights Council: Draft Report of the Sub-Commission on the Promotion and Protection of Human Rights" A/HRC/Sub.1/58/L.11/Add.1 August 24, 2006 p. 10.

¹² Daniel Prins, "Report of the Group of Governmental Experts established pursuant to General Assembly resolution 60/81 to consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons" A/62/163 August 30, 2007 p. 3.

¹³ A/62/163 August 30, 2007 p. 10.

¹⁴ A/62/163 August 30, 2007 p. 7.

zones, especially when a UN Security Council authorized arms embargo is in effect. Governments and law enforcement agencies must consider the possibility of screening and licensing all arms dealers and brokers as well as requiring that all arms dealers and brokers maintain current and accurate records of all transactions.

Effective coordination of multilateral efforts to reduce and prevent crime must incorporate the institutional and knowledge sharing infrastructure of Interpol. As crime has become a truly global scourge, Interpol's efforts at combating crime have been ever more critical. "The organization's I-24/7 global police communications system connects law enforcement officials in all [186 member countries](#) and provides them with the means to share crucial information on criminals and criminal activities."¹⁵ By allowing National Central Bureaus (NCB's) to cross-reference key information and records about illegal arms brokering, Interpol dramatically improves the efficacy of law enforcement and human rights initiatives around the world. Enhancing already existing financial support for Interpol's programs, primarily through voluntary contributions by member states, is an essential component to any comprehensive resolution of the problems posed by small arms and light weapons (SALW's).

The Wassenaar Arrangement

In 1996, many of the world's leading arms exporting countries negotiated a voluntary arms reporting regime in the Dutch town of Wassenaar. There are now 40 state parties to the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (WA) and representatives of these 40 countries convene every December in Vienna, Austria in a plenary session to coordinate efforts and to establish bodies subsidiary to the WA Secretariat. In the most recent WA plenary, the representatives "reiterated that the Wassenaar Arrangement is open, on a global and non-discriminatory basis, to prospective adherents that comply with the agreed criteria."¹⁶ While the efforts of the Wassenaar Arrangement Secretariat and state parties have been crucial to limiting the trafficking of illicit small arms and light weapons (SALW's), it is vital that 4 major arms exporters, Belarus, Brazil, China, and Israel, who have not signed the Wassenaar Arrangement do so as soon as possible.

Conclusion

The tragic consequences of the proliferation of small arms and light weapons (SALW's), especially through illicit channels, must be addressed in a comprehensive manner. Universality is clearly crucial to any comprehensive settlement or resolution of the problems caused by SALW violence; enforcing the laws in one country or region without attendant action in surrounding countries or regions will lessen the effectiveness

¹⁵ <http://www.interpol.int/Public/NCB/I247/default.asp>

¹⁶ "Public Statement 2007 Plenary Meeting of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies" Vienna December 2007 p. 2. Found at: <http://www.wassenaar.org/index.html>

of any efforts undertaken to quell this violence. As has become increasingly obvious over time, too, any possible solution to the problems posed by SALW's, especially the illicit manufacture, distribution and trafficking of SALW's, must address the actions of both state and private actors.

Guiding Questions:

What is the situation within your country in regards to the prevalence of small arms and light weapons (SALW's)? What efforts has your country undertaken to combat and prevent the illicit manufacture, distribution, and transfer of SALW's? Has your country filed reports with the UN System regarding its implementation of the Programme of Action as well as the registering and tracing of illicit weapons?

What steps can the international community, including the UN System and Interpol, do to persuade more UN member states to sign and ratify the relevant treaties and protocols on combating and preventing the illicit brokering and transfer of small arms and light weapons (SALW's)? How can the countries that are already parties to the Wassenaar Arrangement convince other major arms producing and exporting countries to sign onto and abide by the terms of the Wassenaar Arrangement?

How can the UN System enhance international and national capacities in regards to sharing information about illicit brokering and transfer of small arms and light weapons (SALW's)?

Has your country voluntarily contributed to Interpol or related international organizations that are combating the violence and human rights violations stemming from the illicit manufacture, distribution, and trafficking of small arms and light weapons (SALW's)?