



Florida High Schools Model United Nations

## FHSMUN GULF COAST 7

### GENERAL ASSEMBLY FIRST COMMITTEE

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

**Author:** Brian D. Sutliff

“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 the most violent death in wars today.”<sup>1</sup>

“*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.”<sup>2</sup>

#### **Introduction**

Widely accepted estimates place the number of privately held small arms and light weapons (SALWs) worldwide at over 875 million<sup>3</sup>, roughly 1 for every 9 people on the planet. Many of these firearms are owned legally and are intended primarily for hunting and/or personal protection but tens of millions of these weapons, defined as weapons that can be carried by 1-2 adults or a small pack animal, are used every year in the commission of crimes, with an estimated 2014 value of at least \$6 billion USD.<sup>4</sup> While the UN System does not have the authority nor the intention to ban private gun ownership, either within particular member states or globally, prominent gun ownership advocates around the world have repeatedly alleged that the UN will take away their guns.<sup>5</sup> During this session of the United Nations General Assembly First Committee (GA1), delegates are tasked with improving the UN System’s and the international community’s operational capacities to track and ultimately remove illegally held

---

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

<sup>2</sup> 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.

<sup>3</sup> *Small Arms Survey*, “Weapons and Markets,” 2018. Found at: <http://www.smallarmssurvey.org/weaponsandmarkets.html>

<sup>4</sup> United Nations Security Council (UNSC), “Report of the Secretary-General on small arms and light weapons”, S/2017/1025, December 18, 2017, p. 12.

<sup>5</sup> Bob Barr, “BARR: The U.N. Comes After America’s Guns,” *The Washington Times*, August 19, 2013.

and/or owned weapons from worldwide circulation, particularly in the many instance where these firearms fuel and/or exacerbate ongoing conflicts.

### **Scale of the Problem**

The availability of small arms and light weapons (SALWs) in many societies is truly alarming. The assault rifle of choice, the *Avtomat Kalashnikova*, or Kalashnikov/AK-47, “costs as little as \$30 and there are some 70m [million] of them scattered around conflict-ridden places.”<sup>6</sup> In the United States, there are an estimated 200+ million privately held small arms and light weapons (SALWs). The transfer of weapons is one of the most important and difficult issues, particularly when international arms dealers and brokers aid interested parties in evading weapons embargoes and restrictions. As international organizations, national governments and local communities deal with the problems caused by the illicit transfer of small arms and light weapons (SALWs), they must collaborate with nongovernmental organizations (NGOs), such as the International Action Network on Small Arms (IANSA), and relevant 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 new markets. While Western newspapers typically provide greater coverage to stories of weapons smuggling in sub-Saharan Africa, Latin America, the Middle East and South Asian conflict zones such as Afghanistan<sup>7</sup> and western Pakistan, Eastern Europe, the former Soviet Republics, including the Crimea and Ukraine, and the Balkans must also be areas of critical concern. Referring to Kosovo, a state recognized by 114 UN member states and whose relations with Serbia are currently being normalized as a result of the 2013 Brussels Agreement, Suzette Grillot noted that “the newest Balkan country is understandably the least developed regarding small arms control, despite the fact that it is most in need. . . . Since declaring independence [in 2008], Kosovo has yet to create any weapons control legislation.”<sup>8</sup> Strategies that simultaneously address both the supply and demand components of weapons smuggling must inform the priorities of the UN System throughout this session of the UN General Assembly First Committee (GA1). The importance of a true multistakeholder dialogue and subsequently implemented plan of action involving the UN System, national governments, nongovernmental organizations (NGOs), and arms manufacturers and merchants cannot be overstated. Licensing and registering small arms and light weapons (SALWs) would greatly aid national and local governments, international organizations, law enforcement personnel, NGOs and relevant civil society partners in preventing the smuggling and distribution of illicit SALWs. In post-conflict situations, preventing former combatants from acquiring and using illegal SALWs is vital to ensuring that conflicts do not reignite.

Small arms and light weapons pose humanitarian threats even directly employed by combatants. Improper storage of explosive ordnance and related munitions continue to detonate, maiming and killing civilians.<sup>9</sup> Ensuring that all small arms and light weapons (SALWs) are

---

<sup>6</sup> *The Economist*, “Small weapons of mass destruction,” June 29, 2006.

<sup>7</sup> CJ Chivers, “How Many Did the U.S. Lose Track of in Afghanistan and Iraq? Hundreds of Thousands,” *The New York Times Magazine*, August 24, 2016.

<sup>8</sup> Suzette Grillot, “Guns in the Balkans: controlling small arms and light weapons in seven Western Balkan nations,” *Southeast European and Black Sea Studies*, No. 10 Vol. 2, June 2010, pp. 155-56.

<sup>9</sup> *Reuters*, “Libya: Deadly Blast at Army Depot,” November 28, 2013.

properly stored and guarded remains a fundamental element of any comprehensive solution to the problems posed by SALWs.

## UN System Actions

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 SALWs to conflict zones and criminals; the Third Review Conference of the Programme of Action on Small Arms<sup>10</sup> was held in France in June 2018 and delegates to the General Assembly First Committee (GA1) may wish to review the proceedings of the previous conferences as well as the relevant documents from the latest Review Conference.<sup>11</sup> The UN Firearms Protocol went into effect in July 2005 after the ratifications of Poland and Zambia; as of August 2019, there are 117 state parties (ratifications) to the Protocol, including the European Union, and an additional 8 countries that have signed but not yet ratified the Protocol. The United Nations Information Service (UNIS) summarized the UN Firearm Protocols thusly: “By ratifying the Firearms Protocol, States make a commitment to adopt a series of crime control 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.”<sup>12</sup> A number of UN member states are establishing national registers of small arms and light weapons (SALWs), often in response to civil society pressures in the aftermath of horrific instances of gun violence. Delegates to the General Assembly First Committee may also wish to examine the development of newer databases and tracking systems, including the European Union’s (EU) iTrace<sup>13</sup> and Interpol’s iARMS.<sup>14</sup> At times, these registers are opposed by organizations representing gun owners and gun and ammunitions manufacturers, including the politically powerful National Rifle Association (NRA) in the United States.

The UN System has become increasingly concerned with the proliferation and illicit transfer of small arms and light weapons (SALWs) because of the horrible potential for renewed and continued violence because of the wide availability of these weapons. On December 4, 2017, the UN General Assembly (UNGA) adopted resolution 72/57 (A/RES/72/57) on “the illicit trade in small arms and light weapons in all its aspects.” In the resolution, the General Assembly called upon “all states to implement the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons,” known as the

---

<sup>10</sup> The Third Review Conference is also frequently referred to in UN documents as RevCon3.

<sup>11</sup> United Nations Office on Disarmament Services (UNODA), “Third Review Conference on the Programme of Action”, 2019. Found at: <https://www.un.org/disarmament/convarms/revcon3/>

<sup>12</sup> United Nations Information Service (UNIS), “United Nations Firearms Protocol Enters into Force,” July 3, 2005. Found at: <http://www.unis.unvienna.org/unis/pressrels/2005/unispc517.html>.

<sup>13</sup> Conflict Armament Research, “iTrace”, 2019. Found at: <http://www.conflictarm.com/itrace/>

<sup>14</sup> International Criminal Police Organization (Interpol), “Illicit Arms Records and tracing Management System (iARMS)”, 2019. Found at: <https://www.interpol.int/en/How-we-work/Databases/Illicit-Arms-Records-and-tracingManagement-System-iARMS>

UN Firearms Protocol, and also encouraged states to coordinate their national efforts with other countries and the UN System.<sup>15</sup>

The Security Council has repeatedly alluded to and/or debated the problems posed by SALWs. On December 18, 2017, at its 8140<sup>th</sup> meeting, the Security Council discussed the recent “Report of the Secretary-General on small arms and light weapons” (S/2017/1025). In the report, Secretary-General Antonio Guterres called for universal adherence to and ratification of the respective international instruments, including the UN Firearms Protocol, as well as the International Criminal Police Organization Illicit Arms Records and Tracing Management System.<sup>16</sup>

The UN System’s commitment to reducing the threat posed by the illicit trade in small arms and light weapons (SALWs) is evident in its previous, and upcoming, conferences on the Implementation of the Programme on Action regarding SALWs as well as sustained 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 1990s,” although “some member states have not been participating consistently, however, and some have never participated.”<sup>17</sup> Increasing transparency will not reduce SALW violence by itself, however; it must be accompanied by enhanced law enforcement efforts aimed at reducing human rights violations by both state and private actors. Delegates to the General Assembly First Committee (GA1) may also wish to consider the best ways to increase contributions to the United Nations Trust Facility Supporting Cooperation on Arms Regulation (UNSCAR).<sup>18</sup>

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 from 2002-2006, and the Human Rights Council (HRC). The Human Rights Council (HRC), in a critical 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 emphasized by the Human Rights Council (HRC) as well as by 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.”<sup>19</sup> The activities of arms brokers and dealers are critical when devising comprehensive solutions to the illicit trade and trafficking of small arms and light weapons (SALWs). Daniel Prins,

---

<sup>15</sup> A/RES/72/57, “The illicit trade in small arms and light weapons in all its aspects,” December 4, 2017.

<sup>16</sup> Antonio Guterres, “Report of the Secretary-General on small arms and light weapons,” S/2017/1025, December 6, 2017, p. 9.

<sup>17</sup> Kofi Annan, S/2006/109, February 17, 2006, p. 16.

<sup>18</sup> United Nations Trust Facility Supporting Cooperation on Arms Regulation (UNSCAR). Found at: <https://www.un.org/disarmament/unscar/>

<sup>19</sup> 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.

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.”<sup>20</sup> In recent years, dozens of UN member states have enacted legislation and national action plans to combat illicit arms brokering but these efforts must be truly universal to effectively ensure that conflicts 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 the 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).<sup>21</sup>

Illicit arms brokering is especially pernicious because it frequently allows individuals and networks to routinely violate arms embargoes, fueling further violence in conflict ravaged societies. The Group of Governmental Experts asserted 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.”<sup>22</sup> States must cooperate effectively within the UN Security Council and Interpol in order to prevent illicit arms brokers from continuing to funnel weapons into wars and conflict zones, especially in violation of UN Security Council authorized weapons embargoes. Governments and law enforcement agencies may wish to consider 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.

### **The Wassenaar Arrangement**

In 1996, many of the world’s leading arms exporting countries negotiated a voluntary arms-reporting regime in the Dutch city of Wassenaar. There are currently 42 state parties to the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (WA) and representatives from these 42 state parties convene in Vienna, Austria each December for the Wassenaar Plenary. At the 2007 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,”<sup>22</sup> while at the 2017 Plenary, the representatives confirmed the existing criteria for membership and accepted India’s membership into the Wassenaar Arrangement.<sup>23</sup> While the efforts of the Wassenaar Arrangement Secretariat

---

<sup>20</sup> 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.

<sup>21</sup> 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. 10. <sup>22</sup> A/62/163, August 30, 2007, p. 7.

<sup>22</sup> Wassenaar Plenary, “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.

<sup>23</sup> Wassenaar Plenary, “Statement Issued by the Plenary Chair on 2017 Outcomes of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies,” Vienna, December 7, 2017, p. 58.

and state parties have been crucial in limiting the trafficking of illicit small arms and light weapons (SALWs), 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. Heinz Gärtner of the Australian Institute for International Affairs argues that the Wassenaar Arrangement “relies on cooperation and voluntary compliance,” and that “the goods and technologies covered by the WA blur the distinction between military and civilian. The supply chain that the WA seeks to monitor and regulate consists almost exclusively of non-state actors: producers – suppliers – brokers – consumers – users – victims.”<sup>24</sup> Monitoring non-state actors will require greater participation but is an absolute must for successful implementation of any arms control or reduction initiative.

### **International Arms Trade Treaty**

In April 2013, the UN General Assembly adopted the Arms Trade Treaty (ATT), which includes small arms among the conventional weapons regulated by the treaty. “Importantly, States parties to the Treaty will have a legal obligation to take measures to regulate the transit and trans-shipment of and brokering in conventional arms, as well as measures to prevent the diversion of arms and ammunition.”<sup>25</sup> Denise Garcia of the Academic Council for the United Nations, the Arms Control Association, and Northeastern University argues that the Arms Trade Treaty brought together human rights activists and weapons manufacturers and that this seemingly unusual alliance bodes well for its ultimate success.<sup>26</sup> Achieving universal adherence to, and ratification of, the Arms Trade Treaty (ATT) is clearly a vital priority for the UN System, and progress to date includes 104 state parties, with 97 ratifications, and an additional 33 signatories.<sup>27</sup>

### **Practical Disarmament: Beating Swords into Plowshares or Works of Art**

Even though violence fueled by small arms and light weapons (SALWs) is widely recognized as a severe impediment to conflict resolution and sustainable development, impoverished and/or unemployed current and/or former combatants may feel that their personal economic viability, no how matter how marginal to their societies’ macroeconomies, is only possible while armed. Their neighbors may simultaneously believe that their own security is unrealizable without maintaining their personal and familial arsenals. Practical disarmament programs provide direct economic incentives to turn these weapons in to the authorities for cash or other material payments or to turn the weapons themselves into civilian items, even works of art in some instances. National and local governments, law enforcement agencies, and their civil society partners, including nongovernmental organizations (NGOs), have undertaken practical disarmament initiatives throughout the world, ranging from gun buyback programs in Los

---

Found at: [http://www.wassenaar.org/wp-content/uploads/2017/12/WA\\_Public\\_Docs\\_Vol\\_IV\\_Background\\_Docs\\_and\\_Plenaryrelated\\_and\\_other\\_Statements.pdf](http://www.wassenaar.org/wp-content/uploads/2017/12/WA_Public_Docs_Vol_IV_Background_Docs_and_Plenaryrelated_and_other_Statements.pdf)

<sup>24</sup> Heinz Gärtner, “The Wassenaar Arrangement (WA): How It is Broken and Needs to be Fixed,” *Defense and Security Analysis*, Vol. 24 No. 1, March 2008, p. 54.

<sup>25</sup> Ban Ki-moon, “Report of the Secretary-General: Small arms,” S/2013/503, August 22, 2013, p. 9.

<sup>26</sup> Denise Garcia “Disarming the Lords of War,” *Foreign Affairs*, December 23, 2014.

<sup>27</sup> United Nations Office of Disarmament Affairs (UNODA), “Arms Trade Treaty,” 2019. Found at: <https://www.un.org/disarmament/convarms/arms-trade-treaty-2/>

Angeles, California<sup>28</sup> and in Argentina to turning weapons into art in Cambodia, Iraq<sup>29</sup> and Mozambique.<sup>30</sup> Critics of gun buyback programs argue that while these initiatives may be politically popular, they are either ineffective because they result in financial outlays without a real reduction in the number of weapons in circulation<sup>31</sup>, or in the case of people who mistrust and/or fear their respective national governments and/or the UN System, these gun buyback programs represent attempts to disarm law-abiding citizens and force them to submit to greater governmental and/or international control.

## Conclusion

The tragic consequences stemming from the proliferation of small arms and light weapons (SALWs), 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 reduce the effectiveness of any efforts undertaken to quell this violence. As has become increasingly self-evident, any possible solution to the problems posed by SALWs, especially the illicit manufacture, trafficking, and distribution of SALWs, must address the actions of both state and private actors.

## Guiding Questions:

1. What is the current situation in your country in regard to the prevalence of small arms and light weapons (SALWs)? What efforts has your country undertaken to prevent the illicit manufacture, distribution and transfer of SALWs? 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? Has your country acceded to and/or ratified relevant regional arms control conventions, such as the Central African Convention for the Control of Small Arms and Light Weapons, Their Ammunition and All Parts and Components That Can Be Used for Their Manufacture, Repair and Assembly, the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, and the European Union (EU) Strategy to Combat Illicit Accumulation and Trafficking of Small Arms and Light Weapons and Their Ammunition?
2. 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 (SALWs)? How can the countries who 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?
3. How can the UN System enhance international and national capacities regarding sharing information about illicit brokering and transfer of small arms and light weapons (SALWs), particularly weapons from conflict zones that resurface throughout neighboring regions and/or are sold and transported to other areas of the world?

---

<sup>28</sup> *Los Angeles Times*, "L.A. gun buyback nets 2,000 weapons – including a grenade," May 9, 2010.

<sup>29</sup> *Al Arabiya*, "Iraqi students make art not war with weapons," April 9, 2009.

<sup>30</sup> Martin Bailey, "Mozambican Sculptors Turn Weapons into Art," *Forbes.com*, January 23, 2012.

<sup>31</sup> Alexander T. Tabarrok, "Oakland's Gun Buyback Misfires," *Contra Costa Times*, February 23, 2008.

### **General Assembly and Security Council resolutions:**

United Nations General Assembly resolution 73/69, (A/RES/73/69), “The illicit trade in small arms and light weapons in all its aspects,” December 5, 2018.

United Nations General Assembly resolution 72/57, (A/RES/72/57), “The illicit trade in small arms and light weapons in all its aspects,” December 4, 2017.

United Nations General Assembly resolution 72/44, (A/RES/72/44), “The Arms Trade Treaty,” December 4, 2017.

United Nations General Assembly resolution 72/32, (A/RES/72/32), “Compliance with nonproliferation, arms limitation and disarmament agreements and commitments,” December 4, 2017.

United Nations General Assembly resolution 72/40, (A/RES/72/40), “Assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them,” December 4, 2017.

United Nations General Assembly resolution 63/240, (A/RES/63/240), “Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms,” December 24, 2008.

United Nations Security Council resolution 2220, (S/RES/2220), “Afghanistan,” March 16, 2015.

United Nations Security Council resolution 2117, (S/RES/2117), “Small arms and light weapons,” September 26, 2013.

United Nations Security Council resolution 1467, (S/RES/1467), “Proliferation of small arms and light weapons and mercenary activities: threats to peace and security in West Africa,” March 18, 2003.

### **Reports of the Secretary-General:**

Antonio Guterres, “Report of the Secretary-General on small arms and light weapons,” S/2017/1025, December 6, 2017.

Ban Ki-moon, “Report of the Secretary-General on small arms and light weapons,” S/2015/289, April 27, 2015.

Kofi Annan, “Report of the Secretary-General on small arms,” S/2006/109, February 17, 2006.

### **Final Report from the Third United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade of Small Arms and Light Weapons in All Its Aspects:**

United Nations General Assembly, A/CONF.192/2018/RC/3, July 6, 2018.

## Small Arms / Light Weapons

This category maps States' positions on including 'small arms and light weapons' (SALW) in the scope of the Arms Trade Treaty. 'Small arms and light weapons' refer to conventional weapons that can be carried by an individual or a group of individuals (including revolvers, machine guns, hand-held grenade launchers; portable anti-aircraft and anti tank guns and missile systems; and mortars of calibers less than 100 mm. etc)



