



Florida High Schools Model United Nations

FHSMUN 35 GENERAL ASSEMBLY FIRST COMMITTEE

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

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Abstract: While biological, chemical, and nuclear weapons, collectively known as Weapons of Mass Destruction (WMDs) garner massive headlines, the most serious danger from armed violence is through the use of small arms and light weapons (SALWs). International and national efforts to regulate the trafficking and use of small arms and light weapons (SALWs) have strengthened in recent years but these efforts have not yet yielded sufficiently robust results.

“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 (SALWs) 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 session of the

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.

General Assembly First Committee 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 (SALWs) 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 (SALWs) 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 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 non-governmental organizations (NGOs), 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. While Western newspapers typically provide greater coverage to stories of weapons smuggling in sub-Saharan Africa, the Middle East, and South Asian conflict zones such as Afghanistan and Western Pakistan, Eastern Europe, the former Soviet republics, and the Balkans must also be areas of critical concern. Referring to Kosovo, a former part of Serbia and a newly independent state, Suzette Grillot notes that “the newest Western Balkan country is understandably the least developed regarding small arms control, despite the fact that it is perhaps the most in need....Since declaring independence, Kosovo has yet to create any weapons control legislation.”⁴ 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 (NGOs), and arms manufacturers and merchants cannot be overstated. Licensing and registering small arms and light weapons (SALWs) would greatly aid governments, international organizations, NGOs, and all relevant civil society partners in preventing the smuggling and distribution of illicit SALWs. In post-conflict situations, preventing ex-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 when directly employed by combatants. Improper storage of explosive ordnance and related munitions

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

⁴ 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.

continue to lead to explosions that kill and maim civilians. In March 2007, over 100 people were killed by an explosion at an arms storage depot outside Maputo, Mozambique and another 24 people were killed in a similar explosion near Tirana, Albania in March 2008.⁵ Ensuring that all small arms and light weapons (SALWs) are properly stored and guarded remains a fundamental element of any comprehensive solution to the problems posed by SALWs.

UN System and Small Arms and Light Weapons (SALWs)

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 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.⁶ The Security Council has specifically alluded to the problems posed by SALWs, especially in West Africa.⁷ 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).⁸

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. 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. As of October 2008, 75 states had ratified the UN Firearms Protocol with an additional 25 states and the European Union (EU) having signed but not yet ratified the Protocol.⁹ 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 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

⁵ Bureau of Political-Military Affairs, “Dangerous Depots: The Growing Humanitarian Problem Posed by Aging and Poorly Maintained Munitions Storage” *Defense Institute of Security Assistance Management Journal of International Security Assistance Management* March 1, 2009 p. 65.

⁶ A/RES/62/47 January 10, 2008 pp. 2-3.

⁷ S/RES/1467 March 18, 2003.

⁸ Kofi Annan, “Small arms: Report of the Secretary-General” S/2006/109 February 17, 2006 pp. 2-3.

⁹ International Action Network on Small Arms (IANSA), “UN Firearms Protocol – has your country ratified?”

to the marking and tracing of firearms.”¹⁰ 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.¹¹ 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 commitment to reducing the threat posed by the illicit trade in small arms and light weapons (SALWs) is evident in recent efforts such as the UN Review Conference on the Implementation of the Programme of Action regarding SALWs 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.”¹² 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 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.”¹³ The activities of arms brokers are critical when devising comprehensive solutions to the illicit trade and trafficking of small arms and light weapons (SALWs). 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

¹⁰ 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/unispc517.html>

¹¹ *BBC News*, “Anger over UK gun register delay” March 2, 2006.

¹² Kofi Annan, S/2006/109 February 17, 2006 p. 16.

¹³ 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.

communication.”¹⁴ 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).¹⁵

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.”¹⁶ 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 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.

The UN System, through an initiative sometimes referred to as the UN Programme on Small Arms, also convenes biennial meetings of states to combat the illegal trafficking of small arms and light weapons (SALWs); the fifth biennial meeting of states will be held in 2014. These biennial meetings are crucial to highlighting the progress made by member states, as well as at times the lack of progress. In his 2008 report on small arms, Secretary-General Ban Ki-moon noted that “Around 80 per cent of Member States have not enacted specific laws or regulations covering brokering within their systems of arms export control, and it is often unclear if those activities are covered under other laws.”¹⁷ UN bodies must use these periodic meetings of states to accelerate international and national efforts to effectively regulate the brokering and export of small arms and light weapons (SALWs) as well as to emphasize the verification by national and international authorities of end-user certificates.

¹⁴ 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.

¹⁵ A/62/163 August 30, 2007 p. 10.

¹⁶ A/62/163 August 30, 2007 p. 7.

¹⁷ Ban Ki-moon, “Report of the Secretary-General: Small Arms” S/2008/258 April 17, 2008 p. 5.

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."¹⁸ 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 (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 co-operation 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."¹⁹ Monitoring non-state actors will require greater national 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 amongst 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."¹ Achieving universal ratification and adherence to the Arms Trade Treaty (ATT) is clearly a vital priority for the UN System, particularly as only 8 of the 114 signatories have thus far ratified the ATT.

Practical Disarmament: Beating Swords into Plowshares or Works of Art

Even though violence fuelled 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 or former combatants may feel

¹⁸ "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>

¹⁹ 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.

²⁰ A/RES/64/48 January 12, 2010.

¹ Ban Ki-moon, "Report of the Secretary-General: Small arms" S/2013/503 August 22, 2013 p. 9.

that their economic viability, no matter how marginal, 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 in these weapons for cash or other material payments or to turn the weapons themselves into civilian items or even works of art. Practical disarmament initiatives have been undertaken in varied regions throughout the world, ranging from gun buyback programs in Los Angeles, California²¹ and Argentina to turning weapons into pieces of art in Cambodia, Mozambique²² and Iraq.²³ 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 circulation²⁴ or in the case of people who are very distrustful of their national governments and 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 of 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 lessen the effectiveness of any efforts undertaken to quell this violence. As has become increasingly obvious over time, too, any possible solution to the problems posed by SALWs, especially the illicit manufacture, distribution and trafficking of SALWs, 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 (SALWs)? What efforts has your country undertaken to combat and 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?

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?

²¹ *Los Angeles Times*, "L.A. gun buyback nets 2,000 weapons – including a grenade" *May 9, 2010*.

²² Martin Bailey, "Mozambican Sculptors Turn Weapons into Art" *Forbes.com* January 23, 2002.

²³ *Al Arabiya*, "Iraqi students make art not war with weapons" April 9, 2009.

²⁴ Alexander T. Tabarrok, "Oakland's Gun Buyback Misfires" *Contra Costa Times* February 23, 2008.

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 (SALWs), particularly weapons from conflict zones that resurface throughout neighboring regions and/or are sold and transported to other areas of the world?

UN Documents:

Security Council Resolution 2117, “Small arms and light weapons” S/RES/2117
September 26, 2013

Ban Ki-moon, “Report of the Secretary-General: Small arms” S/2013/503 August 22,
2013

Ban Ki-moon, “Report to the Secretary-General: Assistance to States for curbing the
illicit traffic in small arms and light weapons and collecting them” A/68/171 July 22,
2013