

Committee: DISEC

Topic: The Question of stopping the illicit traffic in small arms and light weapons

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Summary

For many years now the United Nations have been gravely concerned about the illicit traffic in small arms and light weapons, particularly due to their illicit manufacturing, and their uncontrolled spread and accumulation in many regions of the world. Due to the multitude of humanitarian and socio-economic consequences that pose a serious threat to the development of peace, safety and stability – just to name a few – on not only individual levels, but local, regional and international. The illicit traffic of small arms and light weapons has close links to terrorism and organised crime, while efforts have been made to stop it, not enough has been done so far.

Definition of Key Terms

Illicit traffic - This is the act of transferring or transporting narcotic and controlled substances,

Small arms - portable firearms, especially rifles, pistols, and light machine guns.

Terrorism - the unlawful use of violence and intimidation, especially against civilians, in the pursuit of political aims.

PoA - Prison Officers' Association, is a trade union in the United Kingdom.

Arbiter - a person who settles a dispute or has ultimate authority in a matter.

Background Information

It is estimated that annually 500,000 people are killed with small arms and light weapons, this violence disrupts the good uncorrupted governing of nations, economic development and of course human rights. The illicit traffic of SALW is an issue affecting almost every region of the world but is particularly concentrated in areas most afflicted by armed conflict, violence, as well as organized crime, where demand for these illicit weapons is highest. In order to best tackle this issue, it is also important to recognise that while most arms trafficking seems conducted by private bodies, certain governments have also contributed and continue to contribute to the illicit trade by deliberately arming proxy groups involved in insurgencies against rival governments, terrorists with similar ideological agendas, or other non-state armed groups.

SALW issues are distinct from other arms issue due to a multitude of reasons.

- There are limited institutional mechanisms available for the control of SALW, those that currently exist are notably weak
- It is difficult to determine between the legitimate use of said arms and the illicit trafficking and usage of these products, that take place outside of the state system (e.g., transfer of state-held arms to non-state users)
- Regulation is often impeded upon by the involvement of non-state or substate entities operating outside the state system. Including ethnic and dissident groups, private commercial concerns, terrorist groups, rebel movements, irregular forces, private security companies and mercenaries. Such substates undermine the monopoly the states traditionally possess over said arms and the legitimate use of force to provide defence from external threats and internal security.
- There is a strong link between armed conflict over resources and the trafficking of illicit arms and weaponry. Revenue created from the exploitation of natural resources is used not only for sustaining armies but additionally for personal gain - commonly by building political support. This means that, leaders of armed groups involved in exploitation are unwilling to give up control over these resources, or the SALW that makes control possible, making SALW legislation difficult to implement.

Furthermore, it is important to note that the large majority of illicit small arms began as legal small arms. Globally it is estimated that the number of SALW's in the hands of citizens is the same as SALW's in the hands of states. Roughly 500,000 of these are stolen per year and enter black markets. This largely happens due to diversion from civilian suppliers, in many global regions.

There is a range of ways in which in civilian possession are diverted to illicit markets⁶ including through:

- illegal manufacture and modification
- illegal sales and transfers (primary, secondary via brokers)
- illegal resale
- theft
- falsification of documents and illegal importation (e.g., concealment

Major Countries and Organizations Involved

Brazil and many South American and Caribbean states – including Cuba, came together to seek a common goal in how to approach the issue regionally, in addition to supporting the UN small arms process and parallel work on the Firearms Protocol, the representatives agreed to seek to accomplish the following goals:

- “Consolidate a global and balanced approach to the issues involved, taking into consideration the specific characteristics of regions, subregions and countries;
- Strengthen international cooperation in the following areas: judicial, technical, financial and law enforcement
- Recognize the importance of national efforts to recover small arms in post-conflict settings and of international support for such efforts
- Recommend the adoption of concrete measures
- Acknowledge that civil society has an important role to play
- Promote constructive and pragmatic approaches within the scope of the UN Conference.”

The USA is generally considered the largest supplier of arms to NSAs, a position they have held since the invasion of Iraq in 2003. There are controversies surrounding the United States decision to supply such a large amount. The United Nations creates the UN Programme of Action on the Illicit Trade in Small Arms. The Pentagon has supplied a minimum of 1.45 million SALWs to government security services and militias in Afghanistan and Iraq, including

Kalashnikov assault rifles left over from the Cold War, plus a selection of 266,000 pistols, and roughly 112,000 machine guns. It is not possible to track the whereabouts of all this weaponry, though it is highly suspected that many conflicts throughout the Middle East and South-East Asia are fuelled by the prevalence of these small arms.

Afghanistan and the recent war have left the nation with 28 different types of illicit weaponry. It is estimated within Afghanistan and other areas of South Asia the number of SALW held by state actors and non-state actors is 131,247,655. Prior to the takeover of the Taliban, 2020 saw Afghanistan join the Arms Trade Treaty.

The UK stated on the 5th of February 2020 during a security council briefing that the UK “remains committed to supporting African efforts in that regard through cooperation on initiatives for disarmament, surplus destruction, regulation of arms transfers, weapons marking, stockpile management and law enforcement cooperation across continents. This is a key strand of work for the British Armies Peace Support Team based in Nairobi.”

Timeline of Events

Date	Description
22 March 2012	“The Ministry of Foreign Affairs and European Integration (MFAEI) of the Republic of Moldova requested assistance from OSCE and UNODC to assess the national implementation of the UN Firearms Protocol, OSCE Document on SALW,
25 - 27 March 2012	The Republic of Paraguay is working on the regulation of the firearms law, which is categorized as the most modern legislation in the region and presented to be in line with the legislation of Brazil and Argentina, strengthening the fight against illicit trafficking in firearms in the triple border
24 September 2012	UNODC held meetings in Accra, Ghana, with representatives from the National Commission on Small Arms and Light Weapons and the relevant officials from the Ministry of the Interior and the Police Service.

21 November 2012 UNODC made a presentation on the UNODC's global state of art and future steps in the implementation of its mandate with regard to the Firearms Protocol at the high level conference "Fight against illicit trafficking in firearms. Where do we stand?"

23 April 2013 UNODC and INTERPOL co-organized a side event on the options for monitoring firearms trafficking, its routes and modus operandi.

28 February 2014 In Dakar, Senegal, UNODC organised a regional seminar on the legislative and operational response against trafficking in firearms. This event was the first regional initiative within the firearms component of UNODC's Sahel strategy.

27 March 2015 United Nations Office in Drugs and Crime, UNODC hosted a Cross-Regional Meeting titled "Sharing of Good Practices in Countering Illicit Manufacturing and Illicit trafficking in Firearms and its Link to transnational Organized Crime

15 August 2016 The National Agency for Controlled Materials (Anmac - former RENAR) acting under the authority of the Ministry of Justice and Human Rights, carried out the destruction of 25,000 firearms from crime."

Relevant UN Treaties and Events

2001 saw countries adopt the **Programme of Action** to "Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects". Governments agreed on improving national small arms regulations, in order to strengthen stockpile management, ensure that weapons are sufficiently marked reliably, improve cooperation in weapons tracing, and engage in regional and international cooperation and assistance.

Within the PoA framework, the General Assembly adopted the **International Tracing Instrument (ITI)**:

2005 global instrument for cooperation in weapons tracing. The Improvement of weapons tracing is currently incorporated in the **2030 Agenda for Sustainable Development**. Together, both instruments constitute the framework on small arms and light weapons. One of which all UN Member States have agreed upon.

On the 24th December 2014, **the Arms Trade Treaty** came into force now currently possessing a total of 110 States Parties and 31 States that have signed but not yet ratified the Treaty. The Arms Trade Treaty is an international treaty that regulates international trade in conventional arms while seeking to prevent and eradicate illicit traffic in small arms and the diversion of conventional arms by establishing international standards governing arms transfers

Previous Attempts to solve the Issue

The Report of the UN Commission on Crime Prevention and Criminal Justice (1997)

At the May 1997 meeting on the UN Crime Prevention and Criminal Justice Commission, a resolution sponsored by 33 countries was endorsed which included explicit linked access to SALW to death and injury, as well as acknowledging the importance of domestic legislation in controlling the flow of guns from less-regulated to more-regulated areas. The resolution “Requests the Secretary-General to promote, within existing resources, technical co-operation projects that recognize the relevance of small arm regulation in addressing violence against women, in promoting justice for victims of crime and in addressing the problem of children and youth as victims and perpetrators of crime and in re-establishing or strengthening the rule of law in post-conflict peace-keeping projects.”

the UN Security Council Resolution 1209 (1998)

In December 1999 the report of the UN Disarmament Commission, reviewed at the UN General Assembly, reinforced the importance of national measures including appropriate domestic legislation in regards to solving this issue. Stating “States should work towards the introduction of appropriate national legislation, administrative regulations and licensing requirements that define the conditions under which firearms can be acquired, used and traded by private persons. In particular, they should consider the prohibition of the unrestricted trade and private ownership of SALW specifically designed for military purposes, such as automatic guns (e.g., assault rifles and machine guns).” There is also great emphasis in the report on the importance of marking weapons to assist national law enforcement agencies in combating illicit arms trafficking.

Possible Solutions

While this is a complicated issue there are a plethora of possible solutions. Member states should think to tackle the illicit trade of SALW's at their source by more carefully monitoring legal exchanges with the usage of a dual certificate system where the arms are numbered and certificated at the manufactory and further certificated when the user receives them. In this transaction the arbiter of this system will be the nation of the weapons origin, for every arm found without a double certificate, the manufactory shall receive a fine of ten times the weapon's market price, thus encouraging more responsible dealing through the threat of financial loss. On top of legally binding manufacturers of firearms to provide a complete record of the process of produce, sales, customers and prices to Interpol member states should be urged to sign the transparency Wassenaar arrangement in order to promote greater transparency and responsibility in transfers of SALW.

Furthermore, countries involved in the military aid arrangements should take greater responsibility in the monitoring and transferring of their donated weapons.

Bibliography

<https://www.un.org/events/smallarms2006/pdf/N0150720.pdf>

https://bradscholars.brad.ac.uk/bitstream/handle/10454/4242/07_Strengthening_Domestic_Regulation_of_SALW_Transfers.pdf?sequence=1

United Nations, International Study on Firearms Regulation, 1997

<http://www.smallarmssurvey.org/weapons-and-markets/transfers/illicit-trafficking.html>

<file:///C:/Users/Costco%20Croydon/Downloads/SALW-module-6.pdf>

Philip J. Cook, Stephanie Molliconi and Thomas B. Cole, Regulating Gun Markets, The Journal of Criminal Law and Criminology 86, no. 1: 59-91, 1995

United Nations Commission on Crime Prevention and Criminal Justice, Sixth Session, Criminal Justice Reform and Strengthening of Legal Institutions Measures to Regulate Firearms, Resolution L.19 (E/CN.15/1997/L.19/Rev.1). Vienna: May 9, 1997). This resolution was Co-sponsored by 35 countries

<https://www.un.org/disarmament/convarms/salw/>

<https://www.international-alert.org/sites/default/files/publications/Tackling-the-Illicit-Trade.pdf>

<https://www.pgaction.org/news/afghanistan-accedes-to-att.html>

<https://www.gov.uk/government/speeches/tackling-the-illicit-spread-of-small-arms-and-light-weapons>

<https://www.unodc.org/unodc/en/firearms-protocol/news-and-events.html>