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GENERAL ASSEMBLY

Topic Area B- Trade in Small Arms

Small Arms are the weapons of choice for insurgents, terrorists, warlords and crime syndicates. They undermine stability and security in places as diverse as Afghanistan, Colombia, the Democratic Republic of Congo and Iraq. These weapons also play a prominent role in armed crime and domestic violence in the developed as well as the developing world. Hundreds of thousands of people are estimated to have been killed with such arms each year and many more are wounded or live in daily fear of armed violence from those misusing them.



Small Arms are portable firearms especially revolvers and self-loading pistols, rifles and carbines, assault rifles, sub-machine guns and light machine guns. Numerous human rights violations are perpetrated with small arms – indeed the manifold abuses committed at gunpoint reflect the unparalleled coercive power of the gun. The threat of a firearm renders victims largely unable to run away or defend themselves. Atrocities ranging from torture and arbitrary arrest to abduction and the silencing of political opposition are all frequently ‘assisted’ by small arms. Guns have facilitated both systematic rape in war and intimate-partner violence in the home. Armed violence is also intrinsically linked to forced migration.

At the core of the problem is the global trade in small arms and light weapons, which is ever-burgeoning and fundamentally unregulated. Small arms continue to devastate while key producers and brokers rake in profits. In addition, the majority of small arms are produced in the most powerful countries in the world: according to the Small Arms Survey, an independent research project based in Geneva, the United States and the European Union combined account for about 75 percent of the total annual production.

The trade in small arms takes various forms. The majority of the 7 million to 8 million new guns produced every year form the legal trade in small arms, that is the trade authorized by governments. However, limited controls of this legal trade, and a failure to enforce them, means that many arms are diverted into the illegal sector. The thriving black market trade in small arms provides guns to people who cannot obtain them legally, even though the vast majority of these guns have origins in the legal sector. The failure by most states to consider fully the end use of the weapons they export means that small arms often fall into irresponsible hands.

While calls for an international arms trade treaty are supported by some major arms-exporting nations, such as Great Britain, the industry shows no sign of diminishing. So, lack of enforcement of legislation and easy availability of such arms means that the black market for firearms is flourishing where as quality of life is deteriorating.

History:

Trade in arms and technological diffusion is as old as the history of war itself. During the early modern period, France, England, Netherlands and some states in Germany became self-sufficient in arms production, with diffusion and migration of skilled workers to more peripheral countries such as Portugal and Russia.

The modern arms industry emerged in the second half of the nineteenth century as a product of the creation and expansion of the first large military-industrial companies. As smaller countries (and even newly industrializing countries like Russia and Japan) could no longer produce cutting-edge military equipment with their indigenous resources and capacity, they increasingly began to contract the manufacture of military equipment, such as battleships, artillery pieces and rifles to foreign firms.

In 1854, the British government awarded a contract to the Elswick Ordnance Company of industrialist William Armstrong for the supply of his latest breech loading rifled artillery pieces. This decision galvanized the private sector into weapons production, with the surplus being increasingly exported to foreign countries. Armstrong became one of the first international arms dealers, selling his weapon systems to governments across the world, from Brazil to Japan. In 1884 he opened a shipyard at Elswick to specialize in warship

production—at the time, it was the only factory in the world that could build a battleship and arm it completely. The factory produced warships for many navies, including the Imperial Japanese Navy—several Armstrong cruisers played an important role in defeating the Russian fleet at the Battle of Tsushima in 1905.

In 1885, France decided to capitalize on this increasingly lucrative form of trade and repealed its ban on weapon exports. The regulatory framework for the period up to the First World War was characterized by a laissez-faire policy that placed little obstruction in the way of weapons exports. Due to the carnage of World War I, arms traders began to be regarded with odium as "merchants of death", and were accused of having instigated and perpetuated the war in order to maximize their profits from arms sales. An inquiry into these allegations in Britain failed to find evidence to support these allegations. However, the sea change in attitude about war more generally, meant that governments began to control and regulate the trade themselves.

The modern day small arms started to develop during the World War I and World War II and the interwar period between 1919-1938. The Lee-Enfield rifle was the most significant development of the First World War and was used in the battlefield by British soldiers and soon was top on people's demands list due to its accuracy. Its excessive production started in 1941 by major arms manufacturers and hence it proliferated and soon it was in the hands of different violent non-state organizations that used to escalate regional disputes. This was replaced by the introduction of M1 Garand, A22 Churchill and German Panther weapons in World War II and their lighter versions were available in market for civilians. But newer weapons were always in demand and then began the evolution of the most widely used small weapon since cold war also known as AK-47.

The evolution of the modern assault rifle began during World War II with the German development of the StG44. Entering service in 1944, the StG44 provided German soldiers with the firepower of a submachine gun, but with better range and accuracy. Encountering the StG44 on the Eastern Front, Soviet forces began looking for a similar weapon. Utilizing the 7.62 x 39mm M1943 cartridge, Alexey Sudayev designed the AS-44 assault rifle. Tested in 1944, it was found to be too heavy for widespread use. With the failure of this design, the Red Army temporarily halted its search for an assault rifle.

In 1946, it returned to the issue and opened a new design competition. Among those who entered was Mikhail Kalashnikov. Wounded at the 1941 Battle of Bryansk, he had begun designing weapons during the war and had previously entered a design for a semi-automatic

carbine. Though he lost this competition to Sergei Simonov's SKS, he pushed forward with an assault weapon design that drew inspiration from the StG44 and the American M1 Garand. Intended to be a reliable and rugged weapon, Kalashnikov's design (AK-1 & AK-2) sufficiently impressed the judges to advance to the second round.

Encouraged by his assistant, Aleksandr Zaytsev, Kalashnikov tinkered with the design to increase reliability across a wider range of conditions. These alterations advanced his 1947 model to the front of the pack. Testing progressed over the next two years with the Kalashnikov design winning the competition. As a result of this success, it moved to production under the designation AK-47.

Initially used by the Red Army, the AK-47 and its variants were exported widely to other Warsaw Pact nations during the Cold War. Due to its relatively simple design and compact size, the AK-47 became the favored weapon of many of the world's militaries. Easy to produce, it was built under license in many nations as well as served as the basis for numerous derivative weapons such as the Finnish Rk 62, Israeli Galil, and Chinese Norinco Type 86S. Though the Red Army elected to move to the AK-74 during the 1970s, the AK-47 family of weapons remains in widespread military use with other nations.

In addition to professional militaries, the AK-47 has been utilized by a variety of resistance and revolutionary groups including the Viet Cong, Sandinistas, and Afghani mujahedeen. As the weapon is easy to learn, operate, and repair, it has proven an effective tool for non-professional soldiers and militia groups. During the Vietnam War, American forces were initially stunned by the volume of fire that AK-47-equipped Viet Cong forces were able to bring to against them. As one of the most common and reliable assault rifles in the world, the AK-47 has also been utilized by organized crime and terrorist organizations. During the course of its production, over 75 million AK-47s and licensed variants have been built.

Other firearms that are used quite often in crimes and smuggling are revolvers and pistols. They too are easily available and relatively cheap increasing its demand. They are quick and appeal to gun enthusiasts whereas at the same time small gangs and drug cartels misuse their availability.

Early revolvers were called pepper-boxes and they had multiple barrels which revolved about an axis and a common firing mechanism. The earliest ones exist from 1597 (a revolving arquebus) and use matchlock mechanisms. In the 1700s, James Puckle invented the "Puckle Gun" which had multiple firing chambers and one common barrel and firing mechanism. A

hand crank rotated the firing chambers and brought each one in line with the barrel and firing mechanism. Elisha Collier of Boston, patented a popular revolver model in 1818, which used the flintlock firing mechanism. He also produced revolving shotguns and rifles. In 1819, John Evans of London bought Collier's patent and produced several weapons which were used by British soldiers stationed in India.

Many big developments in revolver technology were by Samuel Colt. In 1836, he patented his first revolver model. It was manufactured in Colt's factory in Paterson, New Jersey, and hence it is popularly called the "Paterson revolver." While Colt's name is the most famous one associated with revolvers, he never claimed to invent the concept. In fact, the Paterson revolver was an improved variant of the concept invented by Collier. Some of Colt's big innovations dealt with applying concepts of mass production, interchangeable parts and assembly line techniques to revolver production and this reduced the price of revolvers. He was also an excellent salesman and promoter and his weapons became extremely popular with the public. One of his later models was nicknamed "Peacemaker" and "Equalizer". A popular saying of the time went "Abe Lincoln may have freed all men, but Sam Colt made them all equal!"

Colt's first revolvers all used a ratchet and pawl mechanism to hold the cylinders in place. They were also "single action" mechanisms, i.e. the user must cock the weapon manually. The act of pulling back the hammer to cock the weapon also rotates the cylinder. Once the weapon is cocked, the user can pull the trigger to fire it.

Later on in 1851, a British gunsmith named Robert Adams invented the first "double action" revolver. In this mechanism, pulling the trigger halfway automatically rotates the cylinder and cocks the hammer. Pulling the trigger back some more releases the cocked hammer. Thus, the user can fire the weapon with just one trigger pull. The Adams revolver was hand-crafted, which made it more expensive than Colt's design. It also had a few flaws in the hammer and frame. This could only fire in double-action mode and was hence called a "DAO revolver" (i.e.) Double-Action Only. Improvements to the Adams model were made by Lieutenant Frederick E.B. Beaumont, a veteran of the Crimean war and the resulting model was called the Beaumont-Adams revolver. This new model could be operated in both single-action or

double-action mode and was such a huge success that Samuel Colt had to shut down their factory in England as a result. Mechanisms that operate in both single and double-action mode are called DA revolvers (DA standing for "Double Action").

Most modern revolvers to this day are double-action. They are still used by law-enforcement around the world and remain popular among many private gun-owners. In fact, it is said by many that the best way to teach a new handgun enthusiast about shooting basics is to start with a revolver first.

Globalization in the nineteenth and twentieth centuries promoted the development of the international black market, allowing small arms and light weapons (SALW) to be traded illegally across borders. The black market trading network operates through uninspected cargo ships, forged documents, bribing officials and disguising arms as humanitarian aid as a means to ship SALW across borders.

Nations such as Russia, China, and the United States have been supplying third world nations with weapons since the 1860's, when European nations began to supply African nations with modern weapons to ward off other European imperialists. Then, after the break up of the Soviet Union near the end of the Cold War, many Soviet Union SALW became part of the International Illicit Small Arms Trade. Today, the main offenders that contribute to the Illegal Small Arms Trade are developed nations which manufacture weapons internally, then find local buyers or sell their weapons to nations preparing for war. As reported by The Arms Bazaar in *Shattered Lives*, "The five permanent members of the UN Security Council—France, Russia, China, the UK, and the USA—together account for eighty-eight percent of the world's conventional arms exports."⁵ World powers supply nations such as Syria, Afghanistan, North Korea, and Venezuela with SALW, which allows the escalation and instigation of conflicts. In many cases, these SALW fall into the hands of terrorist groups such as Al Qaeda, Hezbollah, FARC, and the Taliban who prohibit the progress of developing countries.

Privatized weapon dealers, such as the infamous Viktor Bout (who is now in custody), greatly contribute to the Illegal Small Arms Trades. Bout is an ex-Soviet air force officer, who had access to the SALW stocks after the collapse of the Soviet Union. The weapons dealer armed the Taliban and the Northern Alliance in Afghanistan, the Revolutionary United Front in Sierra Leone, Charles Taylor's regime in Liberia, Unita in Angola, and various Congolese factions

with these SALW, allowing regional violence to grow leading to destruction, violence, and death.

There are regulations on the Small Arms Trade, which are designed to prevent weapon sales to terrorist and criminal groups. However, first world weapon dealers rarely abide by these rules in order to continue selling SALW to developing foreign nations. The problem with this is that inside these developing nations, the SALW are sold to criminal organizations in return for large profits. Previous measures already taken that attempt to suppress the Small Arms Trade include: the Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects (POA), the International Action Network on Small Arms (IANSA), the UN Firearms Protocol, Control Arms Campaign by Amnesty International, the International Arms Trade Treaty (ATT), and the International Criminal Police Organization (Interpol) but have proved to be incapable of dealing with the entirety of the problem.

Current Situation:

Factual Reports:

Authorized international transfers of small arms, light weapons, their parts, accessories, and ammunition are estimated to be worth at least \$8.5bn annually. Around 1034 companies in about 98 countries are involved in some aspect of smallarms production, with significant producers in about 30 countries. Conservative estimates mention 7.5 to 8 million small arms being produced per year. In 2008, the top exporters of small arms and light weapons (those with annual exports of at least \$100m), according to available customs data, were (in descending order) the US, Italy, Germany, Brazil, Switzerland,

Israel, Austria, South Korea, Belgium, the Russian Federation, Spain, Turkey, Norway, and Canada. In 2008, the top importers of small arms and light weapons (those with annual imports of at least \$100m), according to available customs data, were (in descending order) the US, Canada, Britain, Germany, Australia, France, and Pakistan. Seven of the top 10 arms producing companies in the world are based in the US. Italy, Britain and France also have some of the largest manufacturers.

The annual trade in light weapons is estimated to be \$1.1bn. This includes \$755m for anti-tank guided weapons, \$102m for man-portable air defence systems, and \$257m for

four types of non-guided light weapons. Private security companies (PSC) hold between 1.7 and 3.7 million firearms worldwide, an estimate based on extrapolations from reported inventories. If undeclared, and illegally held, weapons were to be included, the global PSC stockpile would be far higher. Globally, PSC firearms holdings are just a fraction of the stockpiles held by law enforcement agencies (26 million) and armed forces (200 million). The US has the highest ownership gun rate in the world - an average of 88 per 100 people. Yemen has the next highest ownership rate, but is a distant second with 54.8 guns per 100 people. Despite the above, the US does not have the worst firearm murder rate - with Honduras, El Salvador and Jamaica all higher. The US is ranked 28, with a rate of 2.97 per 100,000 people.

Situation in Africa:

Small arms proliferation has been particularly devastating in Africa, where machine guns, rifles, grenades, pistols and other small arms have killed and displaced many civilians across the continent. These weapons have been used in deadly conflicts in Sudan, Uganda, Sierra Leone, Rwanda, Angola, the Democratic Republic of Congo, Somalia and other African countries. They are frequently recycled from country to country, and their ownership is transferred among fighters, security forces and war profiteers.

In Central and Eastern Africa, many lives have been lost through conflict and its related effects. The irregular warfare that has been common there in recent decades is well served by these kinds of weapons, which are easily available and sometimes cost less than food items. In 1994, an intraethnic conflict in Rwanda left more than 800,000 people murdered, mostly with small arms, including machetes. An estimated 300,000 civilians have also lost their lives the same way in Burundi. However, the foreign supply of arms to both governments and rebel groups continues to grow in illicit, ungoverned or poorly controlled transactions. The small arms that are already in the subregion move easily across borders—the borders between Cameroon, Chad and the Central African Republic have been identified specifically as areas of high proliferation.

Small arms and light weapons are widely available in Southern Africa. Civil and interstate conflicts drive demand for small arms and create a pool of weapons that can be used to commit violent crime as well as fuel conflict. Most were transferred there during the Cold

War, but some others originate from within the region. South Africa maintains a sizable arms production industry. There is also another aspect to the issue here—the cultural significance of the AK-47 to the formerly colonized peoples of southern Africa. After decades of use by anticolonial and antiapartheid movements, the powerful weapon has come to be associated with liberation. For example, the silhouette of a gun is featured on the Mozambican flag. Freedom songs from the struggles against minority rule in Namibia, South Africa, Zimbabwe and Angola often extolled the virtues of the AK-47, and those of the fighters carrying it. Recognizing the problems posed by its proliferation, many countries are involved in coordinated action, mainly within the framework of the Southern African Development Community (SADC).

The estimated 8 million small arms that are circulating throughout Western Africa play a central role in fostering instability. Demand for small arms in West Africa is motivated by weak governance, insecurity and poverty. The supply comes mostly from external sources. They have been used in armed robberies, intra- and inter communal feuds, local wars, armed insurrections, armed rebel activities and terrorism. They are used to facilitate drug trafficking, smuggling and other such crimes. Overall, small arms maintain a general state of fear. As a result of the armed conflict in the region, many people have been killed, many others displaced or made refugees and property destroyed. Every country in West Africa has experienced widespread violence in which small arms were a factor.

Nigeria is the most affected area in the region. The problem of proliferation of small arms and light weapons has intensified in Nigeria since the late '60s to the very end of the Nigerian-Biafran war and after. Back then the priority, of both the Federal Government and the Rebellious Biafrans, was to win the war at all costs. And this made for massive importation of arms and weapons into the country. Some of these arms are still in circulation till today.

Over the last few decades instead of enhanced security, internal conflict, crimes and gross violation of human rights have emerged at an alarming rate in the Federation of Nigeria. Readily available and easy to use small arms and light weapons have been the primary and the (often) the only tools for this violence in almost all parts of the Federation of Nigeria. In the hand of irregular troops, groups, individuals and politicians operating with scant respect for international and national Humanitarian laws, the effects of small arms and light weapons

are devastating. Nigeria can be said the one of the head quarters of Small and Light Weapons of the world with the Niger Delta as the main center.

Today's globalization plays a key role in facilitating easy transport of small arms and light weapons from bordering states such as Chad, Niger Republic, Benin Republic. Additionally, poorly paid Nigerian soldiers who have served in peace keeping missions in other African countries, often return home and sell their weapons to gun dealers. Another key factor for driving the process of small arms and light weapons is the corrupt army and police officers who constitute a very important source of illegal trade of weapons. Legal weapons have in fact been taken from the national armory and sold to gangs and to off-record militant groups in the Niger Delta.

Situation in Latin America and Carribean:

By losing 73,000-90,000 people annually to small arms and light weapons and with 60% of all murders occurring by a gun, Latin America and the Caribbean is one of the worst affected regions worldwide. Of the 33 countries in the region, at least eight have firearm homicide rates killing more than 10 out of every 100,000 residents annually Central America has a small arms and light weapons homicide rate between 30 and 50 per 100,000, without even taking into account related disabilities (Fajnzylbek, Ledeman, and Loazya, 2000 & Small Arms Survey, Geneva, 2002).

The most gun homicides per 100,000 people occur in Colombia, that the highest overall number of gun homicides is in Brazil and that the United States claims the highest gun ownership rate and total amounts of guns in the region. Hence, the high availability of guns does not necessarily go hand in hand with high homicide rates. Cultural and socio-economic factors matter must be taken into consideration.

The immense impact of small arms and light weapons in the region encouraged an exceptional vision and policy initiatives, pushing the region at the helm of international efforts to control small arms and light weapons. Despite Latin America's diplomatic leadership, domestic policies often lag behind. It is thus not surprising that the region's implementation status of the UN Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects remains among the weakest. This disconnect

between international advocacy and domestic implementation efforts can be seen in the case of Mexico, which has ratified all salient international small arms and light weapon instruments but whose Constitution grants its citizens the right to own some firearms.

Situation in Central and South-East Asia:

In the Islamic Republic of Pakistan certain categories of weapons are illegally manufactured in its tribal area. These illegal weapons are sold on profit inside of Pakistan and gets into the hands of certain sectarian organizations—who in turn use them for terrorist purposes inside the country. More over some of these weapons trickle down to neighboring countries such as India, Afghanistan and Iran. But Pakistan is also an effected country. The reason being the period from 1979–1988, when the people of Afghanistan fought a war with the former Soviet Union, many categories of weapons entered this country. These weapons were supplied almost all by western countries, especially the U.S.A and its allies, moreover to this were also added countries like Egypt, Saudi-Arabia and other Muslim countries who were against the communist ideology of the USSR. This brought in its wake a culture known as the “Kalashnikov-culture”.

Organized criminal groups therefore made good money by selling and smuggling them to other countries like India, Iran and Kashmir, where already certain internal discord existed, and the demand by terrorist groups existed. These weapons were supplied by both land and sea routes. As far as Nepal is concerned, this is an effected country. Due to an increase in Maoist activities internally and terrorism by Tamil-Nadu, in Sri-Lanka, the trafficking of arms has increased to dangerous levels. In Nepal firearms are mainly smuggled for the purpose of Dacoits and political activities from the neighboring countries. It is said that Nepalese Maoist (political party) has many types of firearms which have been illegally kept and used. Whereas in India, the state of Punjab was affected by terrorist activities during the 1980's and Jammu and Kashmir have been particularly vulnerable to arms trafficking across the border. India has a long border with Pakistan, Nepal, Bhutan, China, Myanmar and Bangladesh.

Thailand is geographically located among the neighboring countries that have political unrest in such countries as Burma and Cambodia. In the past 10 years, a number of firearms has been smuggled in and out of Thailand into those two countries. A total number of 400,000 firearms have been imported since 1995 and were brought in on fake import licenses. Those illegal firearms were then sold to the third parties/ countries. Thailand is found to be a transit and effected country. In the Philippines these activities works in two ways. The organized crime groups smuggled the U.S made firearms into the countries and these firearms are used by the rebel groups in fighting against the government. On the other hand, locally made handguns manufactured in the Province of Cebu, in Central Philippines, are smuggled to other countries, particularly Japan, Taiwan and other ASEAN countries through air and sea. The Philippines is an illegal manufacturing and effected country.

Firearms trafficking is not considered a serious problem in Malaysia and many criminals fear the mandatory death sentence that they are liable to face if arrested with a firearm. For the past two years (till June 2001) statistics show that only 413 such firearms comprising mostly pistols, revolvers and shotguns were seized and the number of arrests were about 461. In 1999, a few have been shot dead in East Malaysia but they were rather foreigners who were involved in activities such as piracy. Investigation shows that most of the firearms are smuggled from neighboring countries such as Thailand and the Philippines either by organized groups or individuals where they can be obtained quite cheaply and easily. It is very easy to bring in firearms into the country via the borders, especially land and sea where it is next to impossible for the authorities to conduct thorough observations. Firearms are used mainly in committing crime. It is estimated that the actual number of firearms made in this country could be 20 times or even more than the firearms seized. Malaysia is an effected country.

Papua New Guinea is also faced with the increase of illegal firearms trafficking. Reports indicate that firearms trafficking occur in areas like the highlands where people have been using them in their tribal fights. High- powered firearms are also being used in the cities of Port Moresby and Lae as well as in Bougainville. It is evident that firearms trafficking in Bougainville were conveyed from the Solomon Islands and Indonesia. It is noted that firearms are smuggled into PNG by shipping cargo containers, light aircraft, parcel port, fishing

trawlers, and small boats, crossing the Solomon and Indonesian border. Papua New Guinea is considered an effected country.

In Japan, the possession of firearms is strictly controlled by the Firearms and Swords Control Law. Strict regulations contribute to the relatively low rate of firearms-related crimes in Japan, and it is almost impossible to produce firearms illegally inside Japan. However, it is also the fact that occasionally firearms are used in crimes, especially in robbery cases. In 1999, police seized 837 authentic handguns (down 92 from the year before) and the majority of them were trafficked into Japan from foreign countries by crime syndicates. The countries where they were made range from the U.S, the Philippines, Thailand, to Russia, Korea, China, Brazil, and Turkey. They are cunningly brought into Japan by such means as being taken into pieces and hidden in containerized cargo. In these contexts, Japan could be categorized as one of the effected countries by trafficking of firearms.

Major Problems seeking attention:

The first of them all is the high rate of production of small arms and light weapons. It is ever-burgeoning and fundamentally unregulated. Small arms continue to devastate while key producers and brokers rake in profits. In addition, the majority of small arms are produced in the most powerful countries in the world: the United States and the European Union combined account for about 75 percent of the total annual production.

2. The second is irresponsible exportation. The annual value of all authorised international exports of small arms, at approximately US\$4 billion, may be only a fraction of the world trade, but it is an industry that causes disproportionate damage, with many guns ending up in irresponsible hands.

Although more than 90 countries can, or do, produce small arms, it is the world's most powerful nations that lead the sector. The value of small arms exports from the US in 2001 stood at \$741 million, while the value of small arms exports from all G8 countries for the same year totalled almost \$1.5 billion. Other major exporters include Belgium, Brazil, Austria, Spain, China, Israel, Switzerland and the Czech Republic.

The governments of key exporting countries may point to their stringent controls of small-arms exports, but many continue to transfer arms to irresponsible end users, that is, countries in which the weapons would likely be used to fuel armed violence or to contribute to human rights violations. The irresponsible exporting of small arms is made possible by an absence of export controls or a failure to enforce existing controls, or by loopholes in the law. "The issue of weapons is very close to governments and their national security priorities. Normal trade regulations cease to apply, and governments are reluctant to make compromises in this area," explained Debbie Hillier, Oxfam's policy advisor on small arms.

3. Another factor that plays an integral role in illicit trade of small arms is lack of global standards. There are currently no universally accepted, legally binding global standards that apply in every country to prevent irresponsible arms transfers. The duty to control small-arms transfers ultimately lies with governments, demanding both the will and capacity to act at the government level if effective legislation is to be enacted. National-level export regimes are often flawed by legislative loopholes that permit the transfer of small arms to irresponsible end users, or lack laws to prohibit arms brokering.

While the United Nations Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons, the result of a 2001 conference, defines measures the governments of member states should take to prevent and control black market arms transfers and brokering, it is not binding. Equally, regional agreements covering the licensed arms trade, such as the European Union Code of Conduct on Arms Exports, only give recommendations to governments. The EU code of conduct may suggest admirable criteria for signatories to consider when granting export licenses to arms manufacturers, but it has failed to prevent certain transfers that resulted in gross human rights abuses. Asking governments to notify all other members of license denials certainly does not ensure

notification; particularly as such nonbinding agreements can be interpreted differently by participants.

4. The aspect of legislative failure at national level is also a major constituent to this major issue. Without being legally bound by international agreements to control the trade in small arms, states big and small have demonstrated little inclination to implement effective laws. In instances where there are more comprehensive export-control regimes, legislative loopholes undermine their efficacy. By licensing production to another country – that is, outsourcing production, often to the purchasing country – labor costs are lowered and controls over arms transfers that may apply in some countries can be evaded. Research by the Omega Foundation suggested that companies in at least 15 countries, including the US, United Kingdom, Russia, France, Germany and Switzerland, have established agreements permitting the production of arms in 45 other countries.

In addition, major producers have repeatedly shown a disregard for UN arms embargoes, continuing to export to countries plagued by conflict and insecurity. According to the Control Arms campaign, a global partnership between Amnesty International, Oxfam and IANSA, every one of the 13 embargoes imposed by the UN in the last 10 years has been repeatedly violated, with very few of the embargo breakers named in UN sanctions reports successfully prosecuted.

5. Diversion into Black Market definitely also leads to an increase in crime rate with the help of small arms. Not only does the legal trade in small arms sometimes directly supply irresponsible end users, the absence of controls means guns can easily be diverted into the black market. Estimates suggest that 80 percent to 90 percent of the small arms traded on the black market originate in state-sanctioned trade.

While the value of the black market trade in small arms may be relatively small-scale – worth around \$1 billion – it is almost impossible to control. In addition, the durability of small arms means they can easily be recycled from one conflict to another, or passed between the hands of different criminals. The recent conflicts in West Africa are but one arresting example

of this, with guns passing from, and continuing to wreak devastation in, Sierra Leone to Liberia, and now most recently to Côte d'Ivoire. Small arms move into the illegal arena in various ways. Governments at war, for example, may transfer weapons to sympathetic actors. Security forces and other authorized weapons users may supply and sell arms, while civilians, aided by inadequate regulation, can purchase firearms and then illegally sell them on, in a process known as the 'ant trade'. Weapons may be purchased or stolen from poorly guarded government stockpiles, or recovered from the battlefield following combat.

6. Slow rate of progress and effective implementation also prolongs this global threat. Although the global trade in small arms may ultimately be unregulated, it is important to acknowledge the significant progress of recent years in establishing instruments and processes at the international, regional and national levels. The Control Arms campaign has worked extensively to bring the issue to the fore. The UN process on small arms was launched with the first international conference on small arms in July 2001, which produced the aforementioned UN Program of Action. While the document has been criticized for neglecting various key issues, notably those of civilian possession, transfers to non-state actors and the misuse of arms by state forces, it served to put small arms on the agenda for many states. A final review conference on the effectiveness of this process is due in July of this year, following two biennial conferences in 2003 and 2005.

A growing number of regional agreements have also been concluded, demonstrating the importance of regional cooperation, especially where borders are porous. While many are neither binding nor comprehensive, some go much further than the UN program of action and are legally binding. This is true of the Southern African Development Community [SADC] Protocol and the Nairobi Protocol, which covers the Great Lakes region and the Horn of Africa. These also totally prohibit civilian possession and the use of all light weapons. As discussed, legislation on small arms has been enacted in many countries. However, there are relatively few countries with effective legislation, and global standards are ultimately vital. If neighboring countries have weaker legislation, guns may simply leak across the border. While all of these developments are steps in the right direction, the trade in small arms is unrelenting, and human costs are as patent as ever.

7. Political Resistance in some areas minimizes the possibility of eradicating black market of such drugs or to control the over production of arms in the armament industry. An example of such is the warlord culture practiced in various African States or business tycoons having their monopoly in this billion dollars industry not allowing any hurdle to become an obstacle in their way by misusing their power and wealth. Nepotism in government regulatory bodies and even existence of organizations such as National Rifle Association (NRA) in the States puts up stiff opposition towards strict gun control laws as they affect the demand of the produced weapons and arms-producing companies would end up in loss at the end of the day.

Past International Actions:

United Nations 2001 Conference:

The most important amongst all previous actions is the UN Conference on Illicit trade of Small Arms and Light Weapons (SALW). In 1999, the UN General Assembly agreed to convene the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons. The goal of the Conference was to examine how the international community can collectively address the illicit small arms trade. Three preparatory committee meetings were held in February 2000, January 2001, and March 2001, and the actual Conference was held from 9-20 July 2001 in New York.

The central point of contention during the run up to and during the Conference was how literally to take the phrase "All Its Aspects" in the Conference title. Non-governmental groups and some progressive states argued that because the illicit trade in small arms is so closely connected with legal, government-authorized sales, that an effective plan of action must treat both issues. They wanted the document to include effective controls on legal exports, imports, and retransfers of small arms, including strict export criteria, controls on arms brokers, encouragement of national and regional transparency mechanisms, and better enforcement of arms embargoes. Other countries argued that provisions on legal export controls, especially calls to negotiate legally-binding agreements, surpassed the General Assembly's

mandate. Another debate was held over how much to emphasize the humanitarian impact of small arms, rather than treating it as a traditional disarmament issue.

The U.S. delegates to the PrepComs and Conference voiced support for certain elements of the program of action, such as better information sharing, border controls, stockpile security, and surplus weapons destruction. The U.S. also noted the need to promote policies of restraint in legal exports, citing the normative provisions of the OCSE Small Arms Document as a good model for export criteria. On the other hand, the U.S. took a hard-line stance on several issues, especially restrictions on the civilian ownership of small arms and a proposed prohibition on the transfer of arms to non-state actors. The U.S. delegation also proposed many amendments to weaken the text of an already watered-down document.

In the end, the Program of Action was agreed to by consensus and did move the debate on small arms proliferation forward in several significant areas. It contains repeated references to the humanitarian impact of small arms violence, a relatively new development that will help enlarge the group of government agencies and NGOs involved in the issue. It calls on states to assess small arms exports based on their "responsibilities under international law," a critical phrase for NGOs trying to get states to integrate human rights and humanitarian law into their export decisions. It also recognizes the importance of demobilization, disarmament, and reintegration of ex-combatants; the need for international rules on the activities of arms brokers; and the responsibility of governments for keeping close watch over their weapons stockpiles and international borders. Finally, conferees agreed to hold a review conference in 2006, plus biennial meetings along the way. These meetings will allow NGOs and governments to keep the momentum moving on the small arms issue and to revisit the Program of Action formally in a short time frame.

The major reports of UN regarding this topic are as follows:

- The Implementation, by the Arab States, of the UN program of Action on Illicit Trade in Small Arms and Light Weapons Co-Chair's Conference Summary, 16-18 December 2003
- Small Arms: Report of the Secretary-General, S/2003/1271, 31 December 2003
- Third Report to the UN Security Council regarding arms trafficking in Liberia and Sierra Leone, 24 October 2002

- **Report to the UN Security Council** regarding violations of the 1992 arms embargo against Somalia, 3 July 2002

Council of Europe:

The Council of Europe, headquartered in Strasbourg, France, has been working since 1949 to build a united Europe, based on freedom, democracy, human rights and the rule of law. The CoE has several regional initiatives underway to fight corruption and international organized crime, including illicit trafficking in commodities.

- Drawing up of a European Union Code on arms export, 10 September 1998

World Customs Organization:

The World Customs Organization was founded in 1952 to study all questions relating to cooperation in customs matters in international trade. WCO examines all technical aspects of customs operations, with a view to attaining the highest possible degree of uniformity. Activities include: preparation of conventions and recommendations; ensuring uniform interpretation and application of customs conventions (on valuation, tariff and statistical nomenclature, and customs procedures); and conciliatory action in case of dispute; circulation of information and advice regarding customs regulations and procedures; co-operation with other international organizations.

Organization of African Unity:

The ministers of the member states of the Organization of African Unity who met in Bamako, Mali, from 30 November to 1 December, 2000 ended their deliberations with the adoption of an African common position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons. The meeting deliberated upon the various aspects of the problem of illicit proliferation, circulation and trafficking of small arms and light weapons and considered a draft Bamako Declaration and the Report of Experts on an African Common Position.

The Wassenaar Arrangement

The Wassenaar Arrangement on Export Controls and Conventional Arms and Dual-Use Goods and Technologies, headquartered in Paris, was established in Vienna in July 1996. Thirty-three states, including most of the major arms suppliers, are members. Its purpose is to contribute to regional and international security by:

1. promoting transparency in arms transfers among participating states;
 2. ensuring that transfers of relevant items do not contribute to excessive and destabilizing accumulations of arms;
 3. complementing existing control regimes for weapons of mass destruction;
 4. reducing the need for states to acquire advanced weapons or technologies.
- List of Dual Use Goods and Technologies, and Munitions list
 - Best Practices for the control of small arms and light weapons

Economic and Social Council (ECOSOC) of the United Nations/Commission on Crime Prevention and Criminal Justice

The Economic and Social Council was established by the Charter as the principal organ, under the authority of the General Assembly, to promote: (a) higher standards of living, full employment, and conditions of economic and social progress and development; (b) solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and (c) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion. ECOSOC has been working on a draft protocol on illicit firearms trafficking to be attached to the Convention on Transnational Crime. The Convention was finished in the fall of 2000 and the GA adopted the Firearms Protocol on 31 May 2001.

Protocol against the Illicit manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, 8 June 2001

Measures to regulate firearms for the purpose of combating illicit trafficking in firearms, 28 July 1998

European Union (EU)

The 15 member European Union (EU) is engaged in customs and police cooperation under the rubric of Justice and Home-Affairs, with a focus on curbing the drug trade and trafficking in humans. Until recently there were few references to illicit arms transfers (Article 223 of the European Community's Treaty of Rome denotes the sovereignty of states over legitimate defense activities.) A clause in the EU's June 1997 Treaty of Amsterdam, however, alluded to the need to expand the EU's mandate to address In June 1997 the EU passed the Dutch inspired EU Program for Preventing and Combating Illicit Trafficking in Conventional Arms (EU Resolution EU/9057/97 DG E/CPSP IV).

- *U.S.-EU Statement of Principles on Small Arms and Light Weapons*, December 1999
- *Joint Action on Small Arms*, 16 December 1999
- *EU Code of Conduct for Arms Exports*, 8 June 1998

Organization of American States (OAS)

On April 30 1948, 21 countries of the hemisphere met in Bogotá, Colombia, to adopt the Charter of the Organization of American States (OAS), which affirmed their commitment to common goals and respect for each nation's sovereignty. Since then, the OAS has expanded to include the nations of the Caribbean, as well as Canada.

- *The Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials*, November 1997
- *Small Arms, Terrorism and the OAS Firearms Convention FAS Occasional Paper No. 1*, March 2004
- *The OAS Firearms Convention: Curbing Illicit Arms Flows for a More Secure Future ASMP Issue Brief*, January 2004
- *Inter-American Convention on Transparency in Conventional Weapons Acquisitions*, July 1999
- *Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components and Ammunition*
- *Report of the General Secretariat of the Organization of American States on the Diversion of Nicaraguan Arms to the United Self Defense Forces of Colombia*, 6 January 2003

The Organization for Economic Cooperation and Development (OECD)

The OECD is the international organization of the industrialized, market-economy countries. At OECD headquarters in Paris, representatives from member countries meet regularly to exchange information and harmonize policy with a view to maximizing economic growth within member countries and assisting non-member countries to develop more rapidly. In the ministerial council meeting of 26-27 May 1997, there was a formal acknowledgment of illicit light arms sales, *outlined in the DAC Guidelines on Conflict, Peace, and Development Co-operation*.

Organization for Security and Cooperation in Europe (OSCE) The Organization for Security and Co-operation in Europe is a regional security organization whose 55 participating States are from Europe, Central Asia and North America. The OSCE has been established as a primary instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation under Chapter VIII of the Charter of the United Nations. The OSCE approach to security is comprehensive and co-operative. It addresses a wide range of security-related issues including arms control, preventive diplomacy, confidence- and security-building measures, human rights, election monitoring and economic and environmental security.

United Nations Institute for Disarmament Research (UNIDIR)

UNIDIR, based in Geneva, operates as an autonomous institution, working within the framework of the U.N. It was established by the General Assembly for the purpose of undertaking independent research on disarmament and related problems, particularly issues of international security issues, and it works in close relationship with the New York-based Center for Disarmament Affairs.

- Recent and Forthcoming Research Reports
- Removing military weapons from civilian hands, Christophe Carle and Patricia Lewis August 2000
- Coordinating Small Arms Control

Major Stakeholders:

State Security Forces

State security forces—militaries and law enforcement agencies—hold about one forth of the global small arms stockpile. The diversion of state-owned weapons to unauthorized or controversial entities, the excessive use of force and firearms by state agents, as well as deadly explosions at large ammunition depots are some of the issues raised by state held weapons.

Civilians

Private ownership of firearms, both legal and illegal, accounts for about 75 per cent of the global small arms stockpile. The extent to which the availability of firearms to the general population influences levels of armed violence is subject to a heated debate. Levels of regulation and control vary greatly, as civilians are able to procure fully-automatic firearms in several countries.

Private Security Forces (PSFs)

While private security companies (PSCs) are falling under increased scrutiny due to the roles they have played in Afghanistan and Iraq, their holdings and use of arms remain insufficiently documented, especially in countries considered to be at peace. Some PSCs have been involved in the illegal acquisition and possession of firearms, have lost weapons through theft, and have used their small arms against civilians.

Armed Groups

Armed groups possess less than one per cent of the world's small arms, but some have access to sophisticated types of weaponry, including portable anti-aircraft missiles. Due to armed groups' involvement in the vast majority of contemporary armed conflicts, the extent to which their use of small arms contradicts international humanitarian law is another important concern.

Gangs

Gangs are estimated to control less than two per cent of the world's small arms, but often find access to military-style automatic firearms. Gangs are key protagonists in non-conflict-related armed violence, which every year claims more casualties than traditional armed conflict.

Non-Government Organizations (NGOs)

Various international organizations (including Oxfam International, IANSA and Amnesty International, as part of the Control Arms Campaign, and the United Nations) and domestic groups (e.g. the Small Arms Working Group in the US) have committed themselves to limiting the trade in, and proliferation of, small arms around the world.

Recommended Solutions:

Reducing the illicit proliferation and misuse of small arms requires a multifaceted approach pursued at multiple levels.

Controlling Supply

Curbing small arms proliferation and misuse requires that the legal trade in weapons be more effectively controlled because the majority of illicit weapons start out in the legal market. Currently, there is no internationally accepted set of controls on arms transfers, and national controls vary in scope and effectiveness. Existing agreements and obligations, such as arms embargoes, lack enforcement mechanisms and are often violated with impunity.

Internationally, the implementation and enforcement of national and international arms embargoes must be improved. Particularly important are UN arms embargoes, violations of which must be thoroughly investigated and punished by the international community. At the national level, those governments that lack authorization systems for the production and transfer of small arms and light weapons should establish them immediately, and countries with weak systems should take steps to strengthen them. Many governments still do not require authentication of end-user certificates, review proposed exports against a list of eligibility criteria, or monitor the end use of exported small arms. These governments, with assistance from the United Nations, regional organizations, and donor states, should take immediate steps to strengthen their transfer controls.

Securing, Removing and Destroying Weapons

Destroying surplus and obsolete weapons stockpiles is a simple, cost-effective strategy for reducing illicit arms transfers. Donor states should increase funding for these programs, many of which continue to operate on shoestring budgets. Similarly, the international community should prioritize the improvement of national physical security and stockpile management practices. One possible approach is to convert existing best practices into an international agreement and push hard for universal implementation of its provisions. Finally, states should take additional steps to mop up the weapons already in circulation by expanding weapons collection and buyback programs in post-conflict situations. To improve the effectiveness of these programs, planners should take into account the context and conditions in each situation; complete planning for the program before the conflict ends, to ensure that the program begins immediately after the cessation of hostilities; and secure enough funding from donor states to ensure that adequate resources are available for the program's duration.

Curbing Misuse and Demand

To ensure that weapons are used for lawful purposes, states should establish domestic ownership licensing and authorization systems that take into consideration the applicant's history of violent behavior, mental health, age, and knowledge of the laws and the safe operation of weapons, among other criteria. In addition, those states that have not criminalized the unauthorized export, use, and ownership of weapons should do so immediately. Finally, those governments that are not already doing so should train their law enforcement personnel in the internationally accepted codes of conduct for firearms use and monitor their compliance with these codes.

States must also develop strategies that address the reasons individuals, groups, and governments seek weapons in the first place. Such strategies must reflect an understanding of the complexities of violence in conflict zones, crime-ridden countries, and countries recovering from war and should involve government officials, local community leaders, and NGOs. These strategies must be linked to other aspects of violence-reduction and disarmament programs, such as security sector reform, and build them into existing programs, such as DDR programs, by providing populations with ways to achieve security and power other than through armed violence.

Bloc Positions:

Latin America-

In Latin America, during recent years, there has been an increase in demand by criminal organizations for SALW promoting Illegal Small Arms Trade in the region. About 90% of these SALW enter Latin America through Colombia, Panama and Guatemala and are then spread throughout the region. Governments of Latin American countries will seek to increase intervention in the Illegal Small Arms Trade as well as put strict regulations in place that inhibits the trade of SALW. South East Asia- In 1975, around the end of the Vietnam war, the region saw a dramatic increase in the number of SALW. Conflicts in South East Asia increase the demand of SALW, promoting the Illegal Small Arms Trade in the region which has caused security threats and instability in the area. South East Asian countries will work towards a solution that can effectively control the maritime trading routes in which the majority of SALW are transported. Sub Saharan Africa- Sub-Saharan Africa is the region most affected by the Illegal Small Arms trade and by SALW. Ethnic, religious and other conflicts in the region have increased the demand for SALW and have fueled conflicts in countries such as Nigeria, Liberia, Congo, Kenya, Sudan and Somalia. Many Sub-Saharan governments would look to create restrictions and agencies, which would control the Illegal Small Arms Trade and track the distribution of SALW. Other governments in the region would criticize the proposed restrictions and argue that they are not needed and infringe upon national sovereignty and free-trade. These governments are highly influenced by the wealthiest members of their society who want to use the illegal trade of small arms to boost their wealth and obtain arms for private armies.

Middle East/Arab Nations-

The U.S. invasion of Iraq and Afghanistan has multiplied the number of SALW in the region. The foreign SALW have fallen into the hands of terrorist organizations such as the Taliban and Al Qaeda, promoting insurgency and violence in urban areas. Developing regions, such as Palestine, increase the demand of SALW and welcome the Illegal Small Arms Trade. Middle Eastern and Arab countries would seek to impose trade regulations and bans on the trading of small arms. They want a resolution which restricts foreign influences, such as the US's influence in Iraq/Afghanistan, which increases the number of SALW in the region.

Europe-

Some European countries tend to experience a lesser impact from SALW, whereas others experience very high effects. Most smuggling of SALW occurs in South-Eastern Europe and are transported to areas that are generally unstable and undergoing internal conflict. European countries will work towards increasing the effectiveness of already in place agencies, organizations and laws.

Additional Western Powers-

Countries like USA, Canada, and England have recently urged the governments of developing countries, especially those in Africa, to work together with neighboring countries in order to prevent the Illegal Small Arms Trade and the escalation of present conflicts.

Questions a Resolution Must Answer:

- In what ways do the availability, misuse and transfer of small arms violate human rights? What further implications does it have on the society?
- Who should be held most responsible in arms trafficking: arms manufacturers, states that sanction arms trade, or non-state actors?
- What can be implemented to combat the root causes of armed violence? Are there certain initiatives that can wipe out illicit movement of small arms and light weapons?
- Should additional limitations be imposed on arms dealers to prevent illicit movement? What incentives can be offered to weapon suppliers to dissuade them from supplying arms to dangerous non-state organizations and groups?

- How can nations emerging from conflict eradicate illegal and state sanctioned arms trade and maintain accountability for arms?
- In what ways can member states contribute in curbing this issue of grave importance?
How do State's different national policies with regard to firearms affect the availability of small arms all around the globe?

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