

Research Report

Forum: First General Assembly

Issue: Discouraging the right to small arms and light weapon possession of civilians

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Introduction

Currently the majority of small arms and light weapons are in civilian possession. Around the 59% of weapons around the world are in civilian hands, but in some regions such as Europe this is closer to 80%. The majority of these arms are used for lawful purposes, yet a significant percentage is not. The mistreatment of these arms by civilians can cause a lot of damage to people's livelihoods, security and health as well as broader reaction such as bothering social, economic and political development and the provision of health care.

It was with great excitement to notice that since the 2001 UN Conference there has been a growing attention to the need of addressing the problem of discouraging and regulating civilian possession. Since then, at the national level, where legislation is changing regarding weapons possession, the control over civilian possession has increased. However, regional instruments are more frequently marking problems of illicit trafficking of weapons, implying the need for clarity about legality in possession and transfers. Also, civil society groups are maintaining pressure on states and multi-lateral organisations to keep the issue of civilian possession alive and developing and these organisations are emphasising the need to maintain a human security focus. That is because of the fact that human security symbolises freedom from penetrating threats to people's safety, lives and last but certainly not least people's right. It aims to focus on early prevention and put accent on the importance of a people-centred approach.

To conclude, increased control and thus regulation of weapons are an essential way to improve human security. This implies stricter governmental controls over small arms.

Definition of Key Terms

International Tracing Instrument (ITI)

The International Tracing Instrument was adopted in 2005 and requires States to ensure that weapons are properly marked and that records are kept. Moreover, it

provides a framework for cooperation in weapons tracing – fulfilling one of the commitments governments made in the Programme of Action.

Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA)

Within this Programme of Action, governments agreed to improve national small arms laws, import/export controls, and stockpile management, and to engage in cooperation and assistance.

Small arms and light weapons (SALW)

A term used in arms control protocols to refer to two main classes of weapons:

- **Small arms**
Hand-held small caliber firearms, usually consisting of handguns, rifles, carbines, shotguns, manual, semi-automatic, and full automatic weapons and man-portable machineguns
- **Light weapons**
Includes a wide range of medium-caliber and explosive ordnance, including man-portable and vehicle-mounted antipersonnel, antitank and antiaircraft rockets, missiles, grenade launchers, rocket launchers, landmines, antiaircraft guns, mortars, hand grenades and rocket-propelled grenades, etc.

UN Firearms Protocol

The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (Firearms Protocol) is the only legally binding instrument on small arms at the global level. It was adopted by resolution 55/255 of 31 May 2001 at the fifty-fifth session of the General Assembly of the United Nations and it entered into force on 3 July 2005. The Firearms Protocol supplements the United Nations Convention against Transnational Organized Crime. The Firearms Protocol provides for a framework for the Member States to control and regulate licit arms and arms flows, prevent their diversion into the illegal circuit, facilitate the investigation and prosecution of related offences without hampering legitimate transfers.

General Overview

During the UN Small Arms Conference in 2003 the failure of states to commit to more effective regulation of civilian possession and use of small arms and light weapons (SALW) was revealed. There was a clear evidence of the opportunities for diversion of SALW from civilian possession to illicit trade and the serious impact of this on human security. Namely, from a human security perspective, civilian possession of SALW poses a threat to individuals' human rights. There is a strong link between levels of firearms ownership and death rates, and vulnerable parts of the population, such as the poor, children and woman, are often victims of firearms, and this not only in conflict circumstances. A fast increase of SALW can also become a important obstacle to development as it usually strongly disorganise political and economic situations, for example health care resources. It is also necessary to point out the harmful effect of pre-existing or emerging cultures of violence in societies, which are both a cause and an effect of firearms availability.

The need for effective regulation of civilian possession is widely recognised and there is no general right to unrestricted civilian access to arms under any international instrument. Nevertheless, there have been constructive initiatives at the regional and national level to strengthen regulation over civilian possession. Also, Member States' responsibility regarding weapons issued by them as well as the control of civilian possession has been said over and over again at the international level. And as an addition to this, international and regional agreements, for example the 'UN Security Council Resolution on Adequate Regulation of Civilian Possession and use' provide a bit of support for the regulation of civilian possession.

Although all Member States recognise the responsibility to discourage the civilian possession of many categories of arms, and several countries and regions have strengthened their legal controls on civilian possession in the last years, in practice, inadequate controls on civilian possession and trade of SALW are disrupting efforts to prevent and reduce trafficking and proliferation of SALW in many regions. Therefore we need to consider ways to strengthen such controls at an international level as well as at a national and regional level.

However, we have to realise that the national norms and regulations are not in every country the same and therefore it is difficult to develop comprehensive statements about civilian possession that are applicable across all communities.

Even though it is widely acknowledged that the easy availability of arms does not in itself lead to violence, but there is a strong confirmation both in countries at peace and in countries of conflict that the easy availability of small arms tends to escalate and prolong violence and increases the deadliness of violent encounters. So, regulating civilian possession of weapons in itself will not eradicate violence. However, a reduction

in the availability of firearms can reduce the deadliness of violent confrontations and reduce the impact on human security issues.



As you can see in the figure above, the numbers are shocking. Every day there die about 500,000 people from wounds caused by small arms used in conflict, crime, and other forms of violence. Of those, 300,000 die in armed conflict, and 200,000 in homicide, crime, suicide, and accident. The net result is one death per minute from small arms. Also, in conflict situations, civilians are estimated to be 35 – 80% of casualties, and in some countries, such as Brazil, the rate of injury is about ten times higher than the rate of mortality, but that is without the numbers of psychologically affected.

Moreover, a 1999 study in South Africa shows firearms to be the most common cause of fatal accidental injuries for males in the ages of 16 to 64.

The global trade in small arms is estimated to be worth between \$3 to \$6 billion per year, but with the illicit trade in small arms worth an additional \$2 - \$10 billion. Of military-style small arms, an estimated 500 million are in circulation world- wide — one for every twelfth person. In addition to this, non-military small arms such as civilian-type handguns and rifles number in the hundreds of millions. For example, the US alone has 190-250 million firearms in circulation. Conservative official counts of registered

firearms show Canada at 7 million, South Africa at 3.5 million, and Russia at 3.6 million. But total firearms, including those unregistered, may be several times higher, such as 21-25 million for Canada and 5-12 million for South Africa.

The top 10 importers and exporters of major arms, 2010-14

<u>Exporter</u>	<u>Global share (%)</u>	<u>Importer</u>	<u>Global share (%)</u>
1. USA	31	1. India	15
2. Russia	27	2. Saudi Arabia	5
3. China	5	3. China	5
4. Germany	5	4. UAE	4
5. France	5	5. Pakistan	4
6. UK	4	6. Australia	4
7. Spain	3	7. Turkey	3
8. Italy	3	8. USA	3
9. Ukraine	3	9. South Korea	3
10. Israel	2	10. Singapore	3

Major Parties Involved

Coordinating Action in Small Arms (CASA)

CASA is the small arms coordination mechanism within the UN. Applying the wealth of expertise of its members, CASA is able to frame the small arms issue in all its aspects, making use of development, crime, terrorism, human rights, gender, youth, health and humanitarian insights. Collaborative initiatives under CASA include fact-finding missions, capacity-building projects, workshops and technical assistance to support Member States in the implementation of the Programme of Action, the International Tracing Instrument and the UN Firearms Protocol. Recently, CASA has decided to embark upon developing international standards for small arms control just as the UN system has done with landmines (the International Mine Action Standards. UNODA is the designated focal point of CASA.

International Action Network on Small Arms (IANSA)

The International Action Network on Small Arms is an international non-governmental organisation recognised by the UN. IANSA is the global movement against gun violence, linking civil society organisations working to stop the proliferation and misuse of small arms and light weapons, and all ownership of firearms by anyone other than a government agency. IANSA supports efforts to make people safer by reducing demand for such weapons, improving firearms regulation and strengthening controls on arms transfers. The network has over 700 members that undertake research, advocacy and

campaigning to promote local, national, regional and global measures to strengthen human security.

UN Office for Disarmament Affairs (UNODA)

The UN Office for Disarmament Affairs is an Office of the UN Secretariat, which was established in January 1998 as the Department for Disarmament Affairs. Its goal is to promote nuclear disarmament and non-proliferation and the strengthening of the disarmament regimes in respect to other weapons of mass destruction, chemical and biological weapons. It also promotes disarmament efforts in the area of conventional weapons, especially landmines and small arms, which are often the weapons of choice in contemporary conflicts.

Afghanistan

With armed conflict limited to certain regions, the nearby regions without armed conflict nonetheless experience high rates of non-combat injury: one study showed 80 deaths per 100,000 population of which 50% were firearm related.

Brazil

Gun murders related to crime are a massive problem: 50,000 people are murdered per year, 88% of them with firearms, 41 deaths per 100,000 population. 59% of youth aged 15-19 who die of external causes are killed with firearms. Most firearms recovered in crime are handguns — pistols and revolvers.

South Africa

South Africa experiences more firearms death from crime than from political conflicts, and most often from use of handguns than from military-issue rifles. "Political" violence claimed 15,000 lives over eight years (1990-1998). But in just one year, there were 25,000 murders and half of them were committed with firearms. Only 2.8% of firearms used to kill are AK-47s, while 57.4% are pistols and revolvers.

Colombia

Political and criminal violence are interconnected. A UN study of 1998 reported 19,336 firearm murders, 54 per 100,000 population. This was the highest level of all 64 countries that responded to the UN study.

Canada and the US

The two countries are comparable in terms of Gross Domestic Product and culture. But firearms death rates are drastically different. Such disparity is related to the difference

in rate of gun ownership (the US is much higher). In Canada, 1,200 people are killed with firearms each year (3.84 per 100,000) while in US the figure is 32,000 per year (13.7 per 100,000). Of these, in Canada 200 per year are murders while in the US 14,000 per year are murders.

Finland

Finland has a high rate of gun ownership and the second highest rate of firearm death among surveys of industrialized countries (6.77 per 100,000 in 1994). The bulk of these are from suicides.

Timeline

31 May 2001	The Firearms Protocol was adopted at the 55 th session of the General Assembly of the UN.
20 July 2001	UN Programme of Action was adopted
3 July 2005	The Firearms Protocol entered into force
8 December 2005	The International Tracing Instrument was adopted
26 June - 7 July 2006	First Review Conference
14 - 18 July 2008	Biennial Meeting of States
14 - 18 June 2010	Biennial Meeting of States
9 - 13 May 2011	Meeting of Government Experts
19 - 23 March 2012	Preparatory Committee for the Second Review Conference
27 August - 14 September 2012	Second Review Conference
16 - 20 June 2014	Biennial Meeting of States
1 - 5 June 2015	Meeting of Government Expert
6 - 10 June 2016	Biennial Meeting of States

Previous attempts to solve the issue

The UN Programme of Action¹ provides the framework for activities to counter the illicit trade in small arms and light weapons. It was adopted by all UN member states in 2001. Since that time the UN has worked to support the implementation of the UNPoA at national, regional, and international levels. It has hosted one Review Conference in 2006, two biennial meetings of states in 2008 and 2010, and one meeting of government experts in 2011. The next Review Conference has been held in August 2012, with a preparatory committee in March 2012 to prepare. By-products of the UNPoA include the International Tracing Instrument (ITI) and the recommendations of a Group of

¹ Programme of Action (pdf) - <http://www.un.org/events/smallarms2006/pdf/PoA.pdf>

Governmental Experts on arms brokering.

Besides, the first binding international legal instrument on small arms, the UN Firearms Protocol, came into effect in July 2005. The Protocol supplements the UN Convention against Transnational Organised Crime.

Possible Solutions

Widespread civilian possession has been shown to have a devastating impact on societies, not only on mortality and casualty rates but on the overall human security situation. In light of these huge costs in terms of human security there is a real need to build and maintain a people-centred approach to devising regulation.

Establishing international norms is not going to be easy. However this does not mean it is impossible. With careful thought and taking into account various political sensitivities it should be possible to at least establish a set of minimum standards of control or elements of adequate national control. Given the huge costs that unregulated civilian possession can have, in both developed and developing countries, it is vital that some form of comprehensive action is taken.

Nowadays, improving weapons tracing is part of the 2030 Agenda for Sustainable Development, and therefore there is plenty of room for new solutions.

However, three most significant aspects to consider are production, tracing and ammunition. In many regions of the world, SALW is produced using available items, which makes it hard to be traced. In order to reduce the number of illegally produced weapons, such should be monitored.

It is also important to consider an effective method to trace weapons. An effective method is necessary in order to reveal the provider of the illicit weapon. That is mostly because more than 80% of the ammunition commerce remains outside of reliable export figures. Besides, accurate information on ammunition is a vital element of tackling the illegal weapons trade. Security measures with regard to ammunition stockpiles is a solution to keep in mind, since numerous stockpiles are located in populated areas that result in numbers of casualties annually.



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