

**Forum:** The First General Assembly

**Issue:** Curtailing the illicit trade in small arms and light weapons in all its aspects

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## Introduction

Violence has been an alternative voice for millions of years. It has evolved into the quickest way and most efficient way to overcome mutual disagreements. The constant evolution of warfare has been one that has struck the lives of million.

Several nations have provided citizens with the right to bear arms, ultimately providing a loaded trigger to citizens at their disposal. There are arguably many reasons as to why a nation enables their citizens to do so, yet the prominence of guns in day-to-day life can also lead to many drastic issues. There have been many issues in which citizens have manipulated this right at the cost of many lives. This only proves the lack of structure and maintenance that is instilled in the distribution system. With a lack of professionalism portrayed in the business an image is created where anyone- including under aged youth- has the ability to purchase a firearm for any purpose.

Over the years, there have been many shootings that have taken place by average civilians promoting a social cause and threatening people into submission through the use of the trigger. As seen, a single wrong move with the manufacture and distribution process of guns and other weapons can lead to mass crimes such as the Las Vegas shooting. Hence, controlling the trade of firearms can significantly reduce the rate of crime that is generated as we simply get rid of the incentive that sparks the idea of crime.

## Definition of Key Terms

### Small arms

Small arms refer to handheld small caliber firearms, usually consisting of handguns, rifles, carbines, shotguns, manual, semi-automatic, and full automatic weapons and man-portable machine guns.

## **SALW**

Is a term that refers to 2 main classes of weapons: small arms and light weapons. These are mainly the types of weapons that are illegally distributed.

## **PKM**

This is an example of a small-scale firearm. The Pulemyot Kalashnikova or “Kalashnikov’s Machine Gun”. There are several different variations of the weapon.

## **Light weapons**

With reference to easily portable weapons that are also automatic, this includes machine guns.

## **UZI**

The Uzi is a submachine gun that has a fully automatic carbine design.

## **AR-15**

The ArmaLite rifle after a company developed its design in the 1950s.

## **Background Information**

The issue of small arms has been one of great concern as its repercussions have created several issues such as the largest mass shooting in Las Vegas and promoted a trend in hate crimes such as the Orlando Night Club shooting in 2016. According to the UNODC, the staggering toll of deaths caused by firearms is rather well-known, in stark contrast- the fact that this value is higher than the death toll of that of ongoing wars.

### **Distribution of guns**

Ultimately, the illegal route that has spawned as a haven for purchasing guns for illicit purposes is a result of a diverted route of a legal arms trade center. In a publication by Wendi Cukier there are said to be many small fire arms that run on stolen weaponry from legal small arms. Around 50000 are taken to illicit markets this way. There are other ways in which civilians contribute to the issue from the beginning in the manufacturing processes. For example, civilian possessions can serve as template for initial manufacture or even modified to increase performance to the level that is not necessarily needed for defense purposes.

Furthermore, primary and secondary transfers of arms may be conducted via brokers and this can spawn the illicit industry. Such can enable sale through companies and generate an extra profit through unlawful sale. In addition to this, the utilization of old light weapons that sent refunded back to resellers can also be sold from second-hand prices that can establish a profit for illegal countries.

## Current state of regulation

Although many member states that have allowed the ownership of arms there are still not enough regulations implemented before the actual purchase of a firearm. Background checks are crucial when ensuring small arms are not provided to the wrong hands.

Nations such as the United States of America, (a nation that exercises the right to bear arms) has presented itself to have a check that consists of many loopholes such as but not limited to:

- Federal Law's Private Sale Exemption states that unlicensed private sellers are eligible for permits to conduct sales without the need of a background check. Unless state law ensures a check for those who have a criminal record- average citizens are capable of trading light weapons. However, 19 states have caught onto this issue and have closed the loophole.
- Even if a person of interest were to undergo the test and present himself to have a criminal record; if the check was not cleared within 3 days, then person was eligible to begin trade by default.

The manipulation of this rule is what led to the Charleston Church shooting in North Carolina in 2015. To add on, the 9% of background checks that require further oversight has led to the excuse of providing 3722 people with their licenses and 2500 people with their licenses.

## Major Issues

Small arms and light weapons pose a grave danger to the international security and stability and threaten many lives. Because they are cheap and easy to transport, it can be handled easily by well-trained soldiers. Although these small arms and light weapons can be originally exported legally, it can fall into illegal circulation if it's not properly tracked or secured.

The UNODC has initiated the Global Firearms Program to advise nations of appropriate measures to overcome compromises with the criminal justice system in terms of trafficking firearms. Through this program they have managed to contribute to the protection protocols regarding this matter in many ways.

There have many recent issues that have been deemed as crimes of hate such as the Orlando shooting. The perpetrator had legally purchased the gun, however, the gun was an AR 15 Military assault rifle and this raises concerns as it is listed to be federally legal to obtain such a weapon. Hence many believe that the sale of violent weaponry surpasses the excuse of self-defense and enable a whole new realm of criminal injustice.

Furthermore, with regards to recent Texas Church incident; President of the United States of America, Donald Trump, had suggested that the issue was sparked due to the perpetrator's mental

instability. Though the man should have been ineligible to obtain a firearm, he was still able to a Ruger AR-556 rifle, and his purchased is recorded in the federal government's firearms transition record. Hence this shows the system to have flaws when providing weapons to charged felons and also with addressing and evaluating mental stability and overall well-being to hold a gun.

## Human Rights Violation

Increase in the number of illegally obtained weapons has a positive relationship to crime rates and humans rights abuses. The civilians in the armed conflict and politically unstable zones get caught in the crossfire of warfare and become the victims of the armed conflict. Every year, the small arms and light weapons create about 300,000 to 50,000 casualties around the world and 90% of them are caused by small arms.

## Safety of Civilians

A black market is a leading place where the illicit trade of small arms and light weapons occur. In the black market, both sellers and consumers knowingly violate arms sales laws and policies. Furthermore, they only increase the tension between two opposing parties, increasing the number of armed conflicts. The black market poses a great threat to countries that are politically and economically unstable because they lack the basic needs to regulate and enforce laws on the arms trade. As a result, many illegal activities on the black market flourish. In order to solve the problem of illicit trade in small arms and light weapons, it is crucial to address the role of the black market.

Another example that threatens the safety of civilians is mass shooting. Although "mass shooting" is not universally defined and has different criteria for different organizations, the FBI clarifies it as an event that involves "four or more people indiscriminately, not including the perpetrator, are killed. It can be conducted by an individual or an organization. There are countries, such as Australia and the United Kingdom, who tried to reduce the number of mass shooting by changing their gun laws.

## Major Countries and Organizations Involved

### United States

The United States faces great conflict regarding small arms and light weapons. There are various U.S. Governmental agencies such as Office of weapons Removal and Abatement and Office of Export Controls Cooperation, and laws and regulations, such as Arms Export Control Act and International Traffic in Arms Regulations, that deals with the issue of illicit trafficking of small arms and light weapons, they still face serious issues. It is estimated that 31% of public mass shooting happens in the U.S, which is more than any other country in the world. Although some of the weapons used are legally obtained, there are incidences where the shooters obtained illegally. The United States also has been a donor and economically supported 25 other countries to destroy thousands of small arms and light weapons.

## **The United Nations Office on Drugs and Crime (UNODC)**

The United Nations Office on Drugs and Crime (UNODC) has submitted various resolutions and reports regarding illicit flow of small arms and light weapons through the General Assembly, Security Council, and Human Rights Council. In addition, multiple agreements and treaties such as Arms Trade Treaty, and Programme of Action on illicit small arms and light weapons, and its International Tracing instrument further encourages nations and organizations to improve laws, controls and stockpile management. In addition, one of the targets for the Sustainable Development Goals 16 states, “By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime.” It is mentioned that UNODC is “fully committed” to achieve the SDG 16.

The UNODC has also initiated the Global Firearms Program, this recently took action in Africa on September 28th to 29th to enhance the data collection and analysis of the illicit flow of weaponry. This is part of their initiative to improve the criminal justice systems in many countries in order to disable any compromises they might have instilled in their regulations.

Furthermore, they also actively participated in the Law enforcement training Net conference jointly organised by the government of Mexico and AMERIPOL. They were involved in the fifth session of the conference which discussed the monitoring of illicit sales of SALW.

## **The International Action Network on Small Arms (IANSA)**

The International Action Network on Small Arms collaborates with civil society organizations to prohibit proliferation and exploitation of small arms and light weapons. Consisting of various organizations including policy development organizations, national gun control group, research institutes, and human rights organizations, It promotes to “make people safer by reducing demand for such weapons, improving firearm regulation and strengthening controls on arms transfers”. In addition, the IANSA works by researching, advocacy and campaigning within a region, nation, and worldwide to strengthen security from small arms and light weapons.

## **United Nations Office for Disarmament Affairs (UNODA)**

United Nations ODA was established as part of the Secretary General’s programme in 1998. UNODA contributes to solving the issue by providing organizational supports and recent information on disarmament issues and activities. Their main goals include:

- Nuclear disarmament and non-proliferation
- Strengthening of the disarmament regime in respect to other weapons of mass destruction, and chemical and biological weapons
- Disarmament efforts in the area of conventional weapons, especially landmines and small arms, which are the weapons of choice in contemporary conflicts

## United Nations Institute for Disarmament Research (UNIDIR)

United Nations Institute for Disarmament Research was established by the United Nations General Assembly as an autonomous entity in 1980. UNIDIR discusses the topic of security and disarmament both locally and globally with other states and international organizations. It tackles the issue regarding the small arms and light weapons through research projects, publications, and consistent meetings. In addition, UNIDIR works as a bridge connecting researchers, diplomats, government bodies, NGOs, various institutions, and United Nations Member States.

## Timeline of Events

Date	Description of event
December 6 <sup>th</sup> , 1991	Approval of Resolution 46/36 by the United Nations General Assembly
July 20 <sup>th</sup> , 2011	Development of the Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
December 24 <sup>th</sup> , 2014	The Arms Trade Treaty Entered into force

## Relevant UN Treaties and Events

- Towards an Arms Trade Treaty, 2006 (A/RES/61/89)
- Towards an Arms Trade Treaty, 2008 (A/RES/63/240)
- Small Arms by the Secretary General (Security Council), 17 April, 2008 (S/2008/258)
- The Arms Trade Treaty, 2009 (A/RES/64/48)
- The Arms Trade Treaty, 2011 (A/66/518)
- Small Arms by the Secretary General (Security Council), 5 April, 2011 (S/2011/255)
- The Arms Trade Treaty, 2012 (A/RES/67/234 A)
- The Arms Trade Treaty, 2013 (A/RES/67/234 B)
- The Arms Trade Treaty, 2013 (A/RES/68/31)
- Small Arms (Security Council), August, 2013 (S/2013/503)
- The Arms Trade Treaty, 2014 (A/RES/69/49)
- Small Arms and Light Weapons (Security Council), 27 April 2015 (S/2015/289)
- Security Council Resolution 2220, 22 May, 2015 (S/RES/2220)
- Human Rights and the Regulation of Civilians Acquisition, Possession and Use of Firearms (General Assembly), 29 June, 2015 (A/HRC/29/L.18)
- Human Rights and the Regulation of Civilians Acquisition, Possession and Use of Firearms, 15 April, 2016 (A/HRC/32/21)

## Previous Attempts to solve the Issue

For the past few decades, the United Nations has made considerable progress in limiting the availability of small arms and light weapons, dealing with weapons as part of peacekeeping operations, conducting investigations on the illegal trading of these weapons, and proposing solutions in combat against situations of misuse. On the national level, many member states have implemented numerous actions to control and address the issue at hand. These plans of actions include the enhancement of border control and the improvement of registration and licensing procedures for owners of weapon. There were also improvement of security for weapon storage, and the development of weapon collection and destruction programs. Additionally, Non-Governmental Organizations (NGOs) have also been active in the progress of resolving this ongoing issue. These organizations have produced well-written case studies that analyze and evaluate the topic, and provide effective and innovative solutions for the UN and its member states. They have also been hosting events such as workshops, seminars, and conferences, which bring governments, NGOs, and other actors of the topic together to actively discuss and lobby necessary implementations in order to address this issue. Overall, we have seen in the recent years that the international community has shown to begin to take the issue of small arms and light weapons with a serious attitude, and is actively putting in efforts to prevent conflict.

However, there are still many obstacles that the international community has not overcome in regards to this topic. Firstly, the topic of arms accumulations and flows of weaponry can be extremely sensitive for governments, since every member state has the sovereignty to acquire weapons with the purpose of self-defense in situations of conflict. Secondly, the tracking of arms has been very difficult, despite recent governmental and international cooperation, due to the small size and low price of the weapons. Furthermore, the lack of transparency has also posed great difficulties to implement the plans of actions proposed by the UN, its member states, and other relevant NGOs.

## Possible Solutions

One of the greatest difficulty in controlling the distribution and flow of light weapons is the lack of detailed information regarding the production, sales, imports, and exports of these munitions. Therefore, increasing regional, national, and international transparency is key to resolving this issue. Few governments provide detailed statistics and records on the flow of small arms and light weapons, and the UN Conventional Arm Register only cover major weapons. Governments of member states should be requested to publish detailed annual reports on imports and exports of all weapons, and the UN Arm Register should include small arms and light weapons in their record system. Improvements upon international transparency not only makes it easier to track the flow of weapons, but also discourages illicit trade of light weapons as it makes it more difficult for dealers to conceal their illegal operations.

The United Nations, all member states, and relevant NGOs should also put in large efforts to ensure that the large quantities of weapons are removed and destroyed when a conflict ends in a certain country. If small arms and light weapons are not immediately collected, managed, and destroyed after peace settlements, these weapons can cause the renewal of the conflict, or flow into other previously peaceful regions and cause new armed conflicts. It is also imperative to secure military and police stocks of weapons (which can be targets of large-scale theft) with the aim of reducing “leakage” from storage. An example of a country that has been successful in their efforts of weapon seizing and destruction is Australia. In 1996, a man carried out a mass shooting in Tasmania, killing 35 people with a semi-automatic rifle. After the series of shootings in the 1990s, including the one in 1996, the National Firearms Agreement prohibited both automatic and semi-automatic assault rifles in all but special cases. Australia also established a weapon buyback program following the new policy, in which the government seized a large amount of light weapon circulating in the market by purchasing them from the owners. This program gave a financial incentive to the owners to give up their guns, and helps the government to effectively achieve their goal of weapon removal.

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