

# Restricting the sale of weapons to individuals as means to combat acts of terrorism and armed assaults on civilian populations

**Forum:** 3<sup>rd</sup> Committee (Disarmament and International Security)

**Student officer:** Polina Kukushkina



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## **Introduction**

Nowadays the production and sale of small arms is a growing business which destabilizes the security and peace in such conflict zones as Syria, Afghanistan, and African countries. Based on the existing information, small arms are legally produced in more than 600 companies in at least 95 countries worldwide — even more if we include those countries in which illicit production takes place. If we turn our minds to statistics, we will no longer underestimate the devastating effects of using small arms.

“The death toll from small arms dwarfs that of all other weapons systems – and in most years greatly exceeds the toll of the atomic bombs that devastated Hiroshima and Nagasaki. In terms of the carnage they cause, small arms, indeed, could well be described as ‘weapons of mass destruction,’ – emphasized Kofi Annan in the Millennium Report of the Secretary-General of the United Nations in March 2000.

The widespread availability and misuse of arms, in particular small arms and light weapons, pose a great threat to civilians. Small arms have special characteristics that facilitate their convenience of being used. These include their cheapness compared to major weapon systems, durability and easiness of them being concealed. All the aforementioned characteristics of weapons make tackling their worldwide proliferation a challenging problem. When considering restrictions on weapon availability it should be born in mind that their proliferation is not only geographical: highly lethal arms are becoming available to broad parts of societies, criminals, undisciplined rebel groups, and even children. Small arms are not only used to murder and injure, but also to intimidate, rape, forcibly recruit children as combatants, or force people to flee their homes.

Nevertheless, small arms and light weapons are not themselves unlawful weapons. Most small arms have legitimate uses, including law enforcement and national defence. In comparison, internationally recognized rules highly restrict the proliferation of major weapon systems and weapons of mass destruction. Unlike small arms, these weapons have been prohibited because they violate the basic norms of international humanitarian law. This presents the biggest challenge for the regulation of small arms and light weapons.

## **Definition of key terms**

Small arms – weapons that can be handled by a single person. These include 1) revolvers and pistols with automatic loading; 2) rifles and carbines; 3) machine guns; 4) assault rifles; 5) light machine guns.

Light weapons – portable arms designed to be used by a group of people. These include, for instance, 1) heavy machine guns; 2) portable grenade launchers, mobile or mounted; 3) portable anti-aircraft cannons; 4) portable antitank cannons, non-recoil guns; 5) portable anti-tank missile launchers or rocket launchers; 6) portable anti-aircraft missile launchers; 7) mortars with a calibre of less than 100 millimeters.

Terrorism – the term used to describe harmful acts of violence or intimidation directed at civilian groups and committed for political, religious or other ideological reasons.

## **Background information**

During the Cold War, the global market for small arms was dominated by the Soviet Union and the USA.

In many parts of the world, the state had a monopoly on small arms production. Due to privatization of state assets in Australia, Europe, and Africa, private enterprises appeared and many countries, including developing countries, were able to establish their own domestic production capabilities with relative ease. This development has had a negative impact on the markets of established small arms producers in the Russian Federation, the USA, and Europe. Licensed production has been an important feature of the global small arms industry since the 1960s.

“In the 1990s the global arms market reached its peak. One study estimated that there were at least 385 companies in 64 countries producing small arms in the 1990s, compared to 196 companies in 52 countries in the 1980s (Abel, 2000). However recent data from the 1997 US Census of Manufacturers provide information on 304 US small arms and ammunition companies. This, combined with more recent Canadian data, suggests that the total number of companies is closer to 600.” (*Small Arms Survey 2001*)

After the 1990s, an increasing number of countries and companies started getting involved in small arms production, making adequate regulation more challenging. Nowadays new and more technologically advanced small arms are contributing to the problem. These weapons – lighter, more accurate, easier to operate, and sometimes cheaper – are appearing on the international arms market at an alarming rate.

Within post-Cold War political developments and technological innovations nations willing to dispose their arsenals of arms view Africa as an attractive market. The international community's inability to regulate arms transfers and trafficking contributes to devastating armed conflicts. Nowadays Africa has the greatest number of hostilities on any continent. In 2001, latent or open armed conflicts affected Angola, Burundi, Chad, Cote d'Ivoire, Democratic Republic of Congo (DROC), Djibouti, Eritrea-Ethiopia, Guinea, Guinea-Bissau, Kenya, Liberia,

Nigeria-Cameroon, Republic of Congo, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanzania-Zanzibar, Uganda, and Zimbabwe.

Nowadays the sale of arms to individuals is a particularly relevant problem in the USA. The Second Amendment adopted in 1791 as part the Bill of Rights protects the right of every American to keep and bear weapons, regardless of service in military. This law supports the individual right of self-defence and the civic duty to react in defence of the state in armed conflicts.

### **Major countries and organizations involved**

- According to *Small Arms Survey 2001*, an estimated number of 90 countries in the world are currently involved in some aspect of small arms production. The United States, the Russian Federation, and China are the world's largest producers of small arms and light weapons. Large producers are found in almost every region, with the majority in Europe and Asia.

According to SIPRI's calculations, the USA account for 31% of the world's arms exports, and Russia accounts for 27%. Behind those two front-runners, China, Germany, and France all come in at 5%.

- Companies such as FN Herstal (Belgium) and Heckler & Koch (Germany/the UK) are among the world's most significant small arms licensors; their products are produced under license in many countries. Some countries, such as China and Croatia, on the contrary, tend to copy designs of existing products to avoid paying for the license from the original producer.
- Small arms in the hands of rebels, fighters, war profiteers, often recycled from one country to another in Africa, have been responsible for conflicts in countries such as but not limited to Sudan, Somalia, Rwanda, Uganda, Angola, Sierra Leone, Democratic Republic of Congo.

Table 1.3 Ranking of world's small arms producers

Major	Medium	Small	Unassessed*
China	Austria	Argentina	Albania
Russian Federation	Belgium	Armenia	Algeria
United States	Brazil	Australia	Bangladesh
	Bulgaria	Canada	Belarus
	Czech Republic	Chile	Bolivia
	Egypt	Colombia	Bosnia and Herzegovina
	France	Croatia	Burkina Faso
	Germany	Denmark	Cambodia
	Hungary	Finland	Cameroon
	India	Greece	Cuba
	Israel	Indonesia	Cyprus
	Italy	Japan	Dominican Republic
	Pakistan	Luxembourg	Ecuador
	Poland	Malaysia	Estonia
	Romania	Mexico	Ethiopia
	Singapore	Netherlands	Guatemala
	South Africa	New Zealand	Guinea
	South Korea	Norway	Iran
	Spain	Peru	Iraq
	Switzerland	Philippines	Kazakhstan
	Taiwan	Portugal	Kenya
	Turkey	Saudi Arabia	Lithuania
	United Kingdom	Slovakia	Macedonia
		Slovenia	Malta
		Sweden	Moldova
		Thailand	Monaco
		Ukraine	Morocco
		Venezuela	Myanmar
		Yugoslavia	Nigeria
			North Korea
			Papua New Guinea
			Paraguay
			Sudan
			Syria
			Tanzania
			Uganda
			United Arab Emirates
			Uruguay
			Vietnam
			Zimbabwe

### Relevant treaties and UN resolutions

At the UN Conference on the Illicit Trade in Small Arms and Light Weapons in July 2001, States adopted a *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects* (the POA-ISS). This programme encourages governments to implement better control over small arms and light weapons, mainly on the national level. These include stricter controls on arms production and transfer, security of weapon stockpiles, the enforcement of disarmament, demobilization, and reintegration programmes in post-conflict zones, measures against violations of UN arms embargoes, and the development of legislation to regulate arms brokering. While considering the implementation

of the UN Programme of Action, biennial meetings were held in 2003 and in 2005. In July 2006, a global conference was convened in order to review the Programme of Action, yet the USA failed to agree on the outcome document.

The Arms Trade Treaty (ATT), whose aim is to regulate the international trade in conventional arms, came into force on 24 December 2014. Despite the fact that the ATT manages to address the key issues regarding trading arms to terrorist organizations, the treaty was not agreed upon, or even formally written.

### **Previous attempts to solve the issue**

The idea of international regulation of trading ammunitions dates to 1920, when the League of Nations was established after the Paris Peace Conference ended the First World War. However, the primary issue concerning member states of the League of Nations was settlement of international disputes, and prevention of arms trade was at that time a minor concern.

The POA-ISS remains the most effective past attempt at solving the issue, especially regarding measures against arms brokering as well as tracking arms trade.

Several states took action to regulate arms trade within their regions, including enacting legislation requiring the registration of all individual fire arms. However, these actions are not applicable on the international level due to differences in legal systems.

The other major piece of international legislation put forth is the Arms Trade Treaty. The ATT seeks to regulate arms trade, ensure security of arms trade, eliminate illegal brokering of arms, increase state oversight of trade.

### **Possible solutions**

Stricter controls are required to prevent easy access to arms by those likely to violate the international humanitarian law. Greater transparency is urgently needed to gain a better understanding of the scope of global small arms production. The adequate regulation of the availability of small arms should involve:

- enhancing implementation of existing agreements on small arms
- supporting comprehensive disarmament and demobilization of former conflict zones
- ensuring that surplus weapons are destroyed when armed conflicts end
- establishing stricter national and international regulations to prevent illegal arms trade
- revising and strengthening the existing national laws in order to ensure better control over the legal small arms sales to individuals

## **Useful links and sources**

ICRC, "Unregulated arms availability, small arms & light weapons, and the UN process."

<https://www.icrc.org/eng/resources/documents/report/small-arms-paper-250506.htm#a6>

*Small Arms Survey 2001: Profiling the Problem*. Oxford University Press: Oxford, 2001.

<http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2001/en/Small-Arms-Survey-2001-Chapter-01-EN.pdf>