



Small Arms

Expected Council Action

An open debate on small arms is scheduled for 25 April, the first such debate since March 2006. A report from the Secretary-General is due on 21 April. (*Postscript—the report was released on 17 April*) (S/2008/258).

South Africa, as president of the Council for April, has organised the debate in part to keep a focus on options for the Council to improve its handling of the small arms dimension when dealing with country-specific issues—in particular, arms embargo and disarmament, demobilisation and reintegration (DDR) programmes.

At press time, it was still unclear whether any outcome document to the debate, such as a presidential statement, would be possible. It is unclear whether potentially divisive issues such as civilian ownership of small arms will become a focus. (The Council's failure to agree on an Argentinian effort in 2006 to adopt a resolution and its inability to reach consensus even on a presidential statement for over a year will be a factor in the background.)

Key Issues

The term “small arms and light weapons” covers arms intended for both civilian and military use. *Small arms* include revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles, and light machine guns. *Light weapons* include heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems, portable launchers of anti-aircraft missile systems, and mortars of calibres of less than 100 mm. The category also includes ammunition and explosives. (This list is available in the report of the Panel of Governmental Experts on Small Arms of 27 August 1997) (A/52/298).

Worldwide, more than 640 million small arms and light weapons and 16 billion rounds of ammunition are in circulation today, with an additional eight million new weapons entering the market each year. They are estimated by the Graduate Institute of International Studies in Geneva to be responsible for more than half a million deaths each year, including 300,000 in armed conflict. Of the 49 major conflicts in the 1990s, small arms were the key weapons in 47

of them. In his 2005 report, *In Larger Freedom*, the Secretary-General noted that "the accumulation and proliferation of small arms and light weapons continues to be a serious threat to peace, stability and sustainable development."

Small arms also represent a sizeable industry: valued at about \$4 billion a year in authorised trade and over \$1 billion a year in unauthorised trade. The top exporting countries, according to the *Small Arms Survey 2005*, included the US, Italy, Brazil, Germany, Belgium, Russia and China.

Small arms' direct impact on conflicts has presented a variety of problems for Council members and for the Security Council in discharging its primary responsibility for maintaining international peace and security. The Council has highlighted the importance of this issue by regularly addressing small arms as one of the thematic issues that regularly appear on the Council's agenda, beginning in 1999 (with nine debates held and seven presidential statements adopted between 1999 and 2006).

The principal focus of UN work on small arms has been through the General Assembly. The 2001 *Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects* and the 2005 *International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons* are examples of past multilateral responses to the problem. There are also ongoing activities – mainly though the work of groups of governmental experts mandated by the General Assembly – on the issue of illicit brokering of small arms, on ammunition and stockpile management, and on an arms trade treaty. Finally, regional initiatives have also been ongoing, particularly focusing on illicit trade but also on the demand and supply-sides of the issue. (For more information please visit our 22 June 2006 *Profile* on small arms.)

The main issue for the Security Council is how it seeks to complement the work currently being conducted on small arms by the General Assembly, taking into account the fact that the General Assembly bears primary responsibility for the creation and advancement of norms relating to disarmament, but also the fact that small arms are specific factors in most of the country-specific security issues being addressed by the Council under its responsibility.

The Secretary-General in his previous reports to the Council on small arms made 12 recommendations on ways and means in which the Council could contribute to dealing with the question of illicit trade in small arms in situations under its consideration:

1. call upon states to develop an instrument to enable states to identify and trace illicit Small Arms and Light Weapons;
2. call upon states to use and provide technical and financial assistance to the Interpol Weapons and Explosives Tracing System;
3. encourage states to assist the Secretariat in establishing a "small arms advisory service;"
4. enhance interaction between the Security Council and the General Assembly on issues relating to small arms in the context of the Programme of Action;
5. call upon states to enforce all Council resolutions on sanctions, including arms embargoes;

6. continue efforts to identify the links between the illicit trade in small arms and the illicit exploitation of natural resources as well as with the drug trade and develop innovative strategies to deal with those;
7. include in the mandate of peacekeeping operations clear provisions regarding DDR and measures for the collection and disposal of illicit and surplus arms;
8. strengthen the financing of DDR programmes under the budget for peacekeeping operations;
9. encourage states to establish legislative measures to ensure control over the export and transit of small arms, in particular the use of authenticated end-user certificates;
10. pursue more vigorously and expeditiously arms embargoes, and give particular attention to the restriction of the supply of ammunitions;
11. consider coercive measures against those violating arms embargoes such as establishing monitoring mechanisms; and
12. enhance transparency in armaments.

(For more details please refer to our March 2006 *Forecast Report*, 22 June 2006 *Profile on Small Arms*, and 13 April 2007 *Update report*.)

There are currently two main approaches to countering the problem of the proliferation of small arms. The "supply-side" approach focuses on increasing accountability and government regulation of small arms in their production, transfer, sale and end-user certification. This approach aims to prevent arms transfers to states and non-state actors who are likely to intensify conflict situations or commit serious violations of human rights and international humanitarian law. It entails the use of mechanisms such as sanctions, public pressure, weapons-marking and increased post-transfer oversight.

The second, "demand-side" approach seeks to curb weapons already present in conflict areas by using external means such as peacekeeping operations to improve security within the state, while developing DDR programmes, and scaling back the number of available weapons. The Council has used both approaches in specific situations, focusing on arms embargoes, which apply to both state and non-state actors, and on the inclusion of DDR provisions in peace agreements, and as integral parts of UN peacekeeping mandates.

Broadening the discussion may include the following issues:

- **Licit trade**
As most countries affected by small arms violence are not arms producers themselves, attention has been focused on the supply of and trade in small arms. In the General Assembly, concern has focused primarily on illegal arms sales, but the illicit trade is connected to the legal trade in small arms. The lack of transparency in even legitimate trade presents a significant challenge for the control of the trade.
- **Illicit production**
Most of the world's small arms and light weapons are legally manufactured in large factories with the consent of the host state. A legally produced weapon therefore only becomes part of the illicit trade after it has left the factory—hence the supply-side approach. Focusing on legal production remains highly sensitive as three of the P5—the US, China and Russia—are among the top exporting countries for small arms. However,

some illicit production also takes place. Although it only comprises a tiny proportion of weapons manufacturing, its impact on the proliferation of small arms at the local level can be significant.

- **Illicit transfer of ammunition**

Contrary to weapons, ammunition is often quickly depleted. For intensive weapon use in a conflict, stocks, therefore, need to constantly be replenished. As a consequence, the oversight or disruption of the provision of ammunition represents an opportunity for controlling the import of small arms and limiting the misuse of weapons. Ammunition has little global regulation and continues to reach state and non-state actors despite arms embargoes. This is a direct concern for the Council.

- **Illicit brokering**

According to the report of the group of experts on illicit brokering (A/62/163), an arms broker is “a person or entity acting as an intermediary that brings together relevant parties and arranges or facilitates a potential transaction of small arms and light weapons in return for some form of benefit, whether financial or otherwise.” Although this is not always an illicit activity, brokers have played a central role in transferring weapons to illicit destinations, in particular to countries under UN embargoes and in conflict zones. Although there have been initiatives at the General Assembly level, because illicit brokering hampers the efficiency of arms embargoes, it also is of direct interest to the Council.

These issues remain highly controversial within the General Assembly and divisions are likely to be also reflected within the Security Council.

The report published in February 2006 noted some positive developments with regard to the establishment of an international instrument to trace illicit small arms (this was achieved in December 2005), inter-mission cooperation with regard to the prevention of cross-border movement of arms and combatants, the illicit exploitation of natural resources, the implementation of DDR programmes and the monitoring of arms embargoes.

The Council may also be interested in assessing its own progress in including the small arms problem when it deals with conflicts or other thematic issues on its agenda. Since the last report by the Secretary-General in February 2006, the Council has specifically mentioned the issue of small arms in one resolution (on the protection of civilians in armed conflict) and in five presidential statements particularly when addressing the role of regional organizations. (Please see the list of UN documents below.) It has dealt with arms in the context of arms embargoes and DDR processes in at least 40 resolutions on the Democratic Republic of the Congo, Somalia, Nepal, Liberia, Côte d'Ivoire, Haiti, Sudan, Rwanda, and Lebanon and regarding arms transfers to terrorist groups. Some new developments in the Council since 2006 have included:

- the request to member states, in coordination with the UN Stabilisation Mission in Haiti (MINUSTAH), to engage with the government of Haiti to address cross-border arms trafficking control (resolutions 1780, 1743 and 1702);
- the creation of the AU/UN Hybrid operation in Darfur (UNAMID) with a mandate to monitor the arms embargo imposed against all non-governmental entities and individuals in Darfur (resolution 1769);

- the establishment of the UN Mission in Nepal (UNMIN) with the mandate to monitor the management of arms and armed personnel of both sides (resolution 1740);
- the replacement of the UN Operation in Burundi (ONUB) by UN Integrated Office in Burundi (BINUB) with a specific mandate to support the Burundi government in efforts to combat the proliferation of small arms and light weapons (resolution 1719); and
- the establishment of an arms embargo for any entity or individual in Lebanon (resolution 1701).

Options

An option is for the Council to address the level of implementation of the Secretary-General's recommendations in a presidential statement. At press time, no draft was being prepared and, with the Secretary-General's report appearing so late before the debate, a complex negotiated outcome is unlikely. A second option would be for Council members to decide to negotiate a text with a view to its adoption later in the year and for Council experts to begin work on a draft.

Council Dynamics

In 2006 the Council failed to reach agreement on an Argentinean initiative for a resolution to enhance Council input to the debate on small arms. In March 2007 South Africa took the lead on this issue by introducing a draft presidential statement requesting the Secretary-General to produce regular reports on small arms. (The failure to reach a consensus on the 2006 draft resolution left future Secretary-General's reports in abeyance.) Although 14 Council members were supportive of the statement, the US was reluctant and argued that the Council should leave the issue entirely to the General Assembly. The strong personal opposition to UN action on small arms by then US Ambassador John Bolton appears to have had a role in making impossible any progress in this issue for about a year; in his 2007 memoir *Surrender is not an Option*, Bolton describes his role in the UN in a section titled "Foiling International Gun Control at the UN."

Some Council members are particularly focused on the issue of disarmament and illicit trade in small arms: France, the UK, South Africa, and Burkina Faso. Africa has been the primary victim of illicit trade that has fueled deadly conflicts across the continent and made more casualties than any other types of weapons. It is agreed that small arms proliferation is one of the most serious threats in Africa. Therefore African countries are very engaged on the issue. Similarly, Latin American states have also suffered significantly from the availability of small arms and have among the highest rates of gun homicides in the world. Latin American states, too, are very supportive of the fight against the proliferation of small arms.

Many Council members seem to agree that for the Council the issue of small arms is best advanced on a country-specific basis, or within the framework of another theme on the Council's agenda. There are some fears that trying to broaden the scope of discussions within the Council beyond the Secretary-General's recommendations may actually be counterproductive at this stage, because of the sensitive issue of civilian possession of weapons. Although some continue to hope for the adoption of a specific resolution on small arms (Panama, the UK), they remain concerned that the US position may not allow the adoption of any text in the near future. In addition, other countries such as Indonesia also believe that the Council should be careful not to usurp the normative role of the General

Assembly. However, there seems to be a large majority who believe that at a minimum, the Council could look into ways to reinforce its dealing with small arms in specific conflict situations.

UN Documents

Selected Security Council Resolutions

- S/RES/1674 (28 April 2006) on the protection of civilians in armed conflict, expressed grave concern at the illicit trafficking of small arms and light weapons, and the use of such weapons on civilians affected by armed conflict.
- S/RES/1631 (17 October 2005) stressed the role of regional organisations in addressing the issue of small arms.
- S/RES/1612 (26 July 2005) on children and armed conflict highlighted the link between illicit trafficking in small arms and the use of child soldiers.
- S/RES/1467 (18 March 2003) outlined measures to increase support for the ECOWAS Moratorium on small arms in West Africa with the declaration on the Proliferation of Small Arms and Light Weapons in West Africa.
- S/RES/1314 (11 August 2000) on children and armed conflict, the Council noted the connection between illicit trade in small arms, the prolongation of conflict and the impact on children.
- S/RES/1296 (19 April 2000) on protection of civilians in armed conflict emphasised the importance of incorporating DDR in peace agreements.
- S/RES/1209 (19 November 1998) welcomed the ECOWAS Moratorium, and encouraged states to support the Moratorium.

Security Council Presidential Statements

- S/PRST/2007/42 (6 November 2007) noted the potential role of regional organisations in addressing the illicit trade in small arms and light weapons and the need to take into account in the peacekeeping operations' mandates the regional instruments enabling States to identify and trace illegal small arms and light weapons.
- S/PRST/2007/24 (29 June 2007) noted with concern that the accumulation and illicit manufacture, trade and circulation of small arms contributed to the prolongation and increase in intensity of armed conflicts and undermined the sustainability of peace; reaffirmed the right to individual or collective self-defence; and requested a Secretary-General's report on a biennial basis starting in 2008.
- S/PRST/2007/3 (21 February 2007) recognised the link between security sector reform, DDR and small arms and light weapons control.
- S/PRST/2006/39 (20 September 2006) urged regional organisations to assist States in implementing existing agreements and enhance efforts to eradicate the illicit trade in small arms and light weapons, including via more effective regional mechanisms, and to encourage their member states to strengthen their legislations in this field.
- S/PRST/2006/38 (9 August 2006) welcomed the decision of ECOWAS to transform the Moratorium on Import, Export and Manufacture of Light Weapons into a binding Convention on Small Arms and Light Weapons, their

Ammunition and Other Related Materials.

- S/PRST/2005/7 (17 February 2005) called on arms-exporting countries to exercise the highest degree of responsibility in the trade in small arms and requested an update from the Secretary-General on the implementation of the twelve recommendations contained in his 2002 report on small arms.
- S/PRST/2004/1 (19 January 2004) called on UN member states to effectively implement arms embargoes and welcomed General Assembly resolution 58/241 which called for the Secretary-General to establish an open-ended working group to negotiate an international instrument to identify and trace illicit small arms and light weapons.
- S/PRST/2002/30 (31 October 2002) expressed grave concern at the harmful impact of small arms on civilians in situations of armed conflict, took note with appreciation of the Secretary-General's report of September 2002, which outlined twelve recommendations for further action, and encouraged all UN member states to continue efforts towards fully implementing at the national, regional and international levels the recommendations contained in the
- S/PRST/2001/21 (31 August 2001) requested the Secretary-General to submit a report by September 2002 containing specific recommendations on ways and means in which the Council could contribute to dealing with the question of illicit trade in small arms and light weapons.
- S/PRST/1999/28 (24 September 1999) recognised the availability of small arms as a factor contributing to the intensity and duration of armed conflicts and in undermining peace agreements, and called for effective implementation of arms embargoes imposed by the Council.
- S/PRST/1999/21 (8 July 1999) recognised the role of small arms in conflicts and in the destabilisation of post-conflict situations.

Reports of the Secretary-General

- S/2008/258 (17 April 2008) was the latest report on small arms.
- S/2006/109 (17 February 2006) was a report on small arms.
- S/2005/69 (7 February 2005) was on the implementation of the twelve recommendations laid out in the Secretary-General's report S/2002/1053.
- S/2003/1217 (31 December 2003) on small arms gave an update on efforts by UN member states in their implementation of the 12 recommendations.
- S/2002/1053 (20 September 2002) outlined the twelve recommendations to identify and trace illicit trade in small arms and light weapons.
- S/2000/1092 (15 November 2000) was on methods of destruction of small arms, light weapons, ammunition and explosives.
- S/2000/101 (11 February 2000) on the role of the UN in DDR included small arms and light weaponry among the primary targets of DDR operations, and highlighted the importance of tracing small arms and combating the illicit trade in small arms.
- S/1998/318 (13 April 1998) on the causes of conflict and the promotion of durable peace and sustainable development in Africa emphasised the importance of DDR in peacekeeping missions, identified the proliferation of small arms as a threat to peace in Africa, and urged the Council to address

the issue of illicit arms trade.

Security Council Debates on Small Arms

- S/PV.5390 and resumption 1 (20 March 2006) was the last debate on small arms.
- S/PV.5127 (17 February 2005)
- S/PV.4896, and resumption 1 (19 January 2004)
- S/PV.4720, and resumption 1 (18 March 2003) was a debate on small arms in West Africa.
- S/PV. 4623 and resumption 1 (11 October 2002)
- S/PV.4362 (31 August 2001)
- S/PV.4355 (2 August 2001)
- S/PV.4048 (24 September 1999) was the first Council discussion on small arms.

Selected General Assembly Documents

- A/62/163 (30 August 2007) and Corr.1 (14 December 2007) was the report of the group of experts on illicit brokering, reiterating the concern with the mostly unregulated nature of activities by brokers, dealers and shippers, whose actions sometimes feed into the illicit small arms trade and thus represent a risk for international peace and security, economic and social development as well as for the safety of individuals. The report contained recommendations for action at both national and international levels.
- A/RES/61/72 (3 January 2007) was a resolution requesting the Secretary-General to seek the views of member states regarding the risks arising from the accumulation of conventional ammunition stockpiles in surplus and regarding national ways of strengthening controls on conventional ammunition. It also requested the Secretary-General to submit a report to be transmitted to the General Assembly for consideration at its 63rd session and to establish a group of governmental experts to consider commencing no later than 2008 further steps to enhance cooperation on this issue.
- A/RES/61/66 (3 January 2007) was a resolution calling upon states to implement the International Tracing Instrument and decided that consideration of its implementation shall be held within the framework of the July 2008 Biennial Meeting of States.
- A/RES/61/89 (18 December 2006) was a resolution requesting the Secretary-General to seek the views of member states on a legally binding instrument establishing common international standards for the import, export and transfer of conventional arms, to submit a report and to establish a group of governmental experts, commencing in 2008. The report will be submitted to the General Assembly for consideration at its 63rd session.
- A/RES/60/81 (11 January 2006) was a resolution recognizing that illicit brokering in small arms was a serious problem and establishing a group of governmental experts to consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms.
- A/C.1/60/L.55 (12 October 2005) was the international instrument adopted by the General Assembly to enable states to identify and trace, in a timely

and reliable manner, illicit small arms and light weapons.

- A/RES/60/1 (24 October 2005) was the *World Summit Outcome* document, reiterating support for the 2001 *Programme of Action*, paragraphs 94 and 111.
- A/60/161 (25 July 2005) was a report of the Secretary-General to the General Assembly summarising activities carried out at the national, sub-regional and regional levels by the Secretary-General, states and organisations to combat illicit trade in small arms and light weapons.
- A/59/2005 (21 March 2005) was the Secretary-General's report "In Larger Freedom" addressing small arms and calling for better enforcement of arms embargoes, strengthening of DDR programmes, negotiating a legally binding instrument to regulate marking and tracing of small arms.
- A/RES/59/66 (10 December 2004) was a resolution calling on states to enact or improve national legislation on the transfer of arms, military equipment, dual-use goods and technology.
- A/RES/59/90 (3 December 2004) was a resolution calling on states to prevent the illicit transfer and unauthorised access to and use of Man-Portable Air-Defence Systems (MANPADS).
- A/CONF.192/15 (20 July 2001) was the *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects* adopted by states.
- A/55/383/Add.2 (20 March 2001) was the Protocol against Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Crime that was signed.
- A/RES/53/92 (16 December 1998) was a resolution pursuant to the report of the Secretary-General, *The Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa*, which emphasised the importance of DDR in peacekeeping missions in Africa, establishing an open-ended working group to monitor the implementation of the recommendations contained therein.
- A/52/298 (27 August 1997) was the report of the Panel of Governmental Experts on Small Arms.
- A/RES/51/45 F (10 December 1996) was a resolution outlining measures to curb the illicit transfer and use of conventional arms.
- A/RES/50/70 B (12 December 1995) was a resolution requesting the Secretary-General to establish a panel of government experts on small arms.

Useful Additional Sources

- Small Arms Survey: <http://www.smallarmssurvey.org/>
- International Action Network for Small Arms: <http://www.iansa.org/>
- The Center for Defense Information – Small Arms and Light Weapons: <http://www.cdi.org/program/issue/index.cfm?ProgramID=23&issueid=89>
- UN Office for Disarmament Affairs – Small Arms and Light weapons: <http://disarmament.un.org/cab/salw.html>

- *Africa's missing billions: International arms flows and the cost of conflict*, Oxfam, October 2007 http://www.oxfam.org/en/policy/briefingpapers/bp107_africas_missing_billions
- *United Nations Arms Embargoes: Their Impact on Arms Flows and Target Behaviour* by Stockholm International Peace Research Institute and the Uppsala University Special Program on the Implementation of Targeted Sanctions, November 2007 http://books.sipri.org/product_info?c_product_id=356