

GA 1st

I. Regulating Small Arms and Light Weapons

Background Information/ Past UN Action:

Since the United Nations was first established in 1945, the illicit trade of small arms and light weapons has been an international problem. Insurgents, armed gang members, rebels, pirates, and terrorist groups have used illegally acquired firearms to gain and maintain power through acts of violence. The Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects defines the term illicit in regards to a small arm and or light weapon if it falls under the following categories defined by the *International Tracing Instrument*:

- a) "They are considered illicit under the law of the State within whose territorial jurisdiction the small arm or light weapon is found;
- b) "They are transferred in violation of arms embargoes decided by the Security Council in accordance with the Charter of the United Nations;
- c) "They are not marked in accordance with the provisions of this instrument;
- d) "They are manufactured or assembled without a license or authorization from the competent authority of the State where the manufacture or assembly takes place; or
- e) "Encourage manufacturers of small arms and light weapons to develop measures against the removal or alteration of markings."

The majority of the deaths suffered during conflict are a result of the use of small arms. Small arms and light weapons are convenient due to the fact that they are considered to be "man-portable" ranging from handheld revolvers to mortars. Small arms play a large role in the continuation of these problems and have been described by the United Nations Office for Disarmament Affairs (UNODA) as "the weapon of choice in contemporary conflict." Over 550,000 deaths occur every year as a result of small arms. The number of unknown deaths caused by armed violence is considerably higher and may outnumber deaths 27 to 1. The estimated number of small weapons that have been acquired illegally is approximately 900 million with an estimated worth of \$700 billion a year.

The United Nations has made diligent efforts over the years to help eradicate the illicit arms trade of small arms and light weapons. The first major step taken by the United Nations to combat the illegal trade of arms was the 2001 UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA), which calls upon member states to implement control measures at both the regional and global level. In 2005, the United Nations implemented the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (ITI). The ITI "identified the tracing of illicit small arms and light weapons as a key mechanism for national, regional and/or international efforts to prevent, combat and eradicate illicit small arms and light weapons." The purpose of this instrument is:

“To promote and facilitate international cooperation and assistance in marking and tracing and to enhance the effectiveness of, and complement, existing bilateral, regional and international agreements to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects.”

In order help trace illicitly manufactured and traded small arms and light weapons the ITI works to make sure these weapons are recorded when they are produced. In 2005, the UN Firearm protocol was adopted, becoming the first legally binding Protocol aimed at curbing the illicit small arms and light weapons trade. By ratifying the Protocol, member states “commit themselves to adopting a series of crime- control measures and introduce into their legislation provision to criminalize manufacture and trade of firearms.” Along with criminalization, the Protocol requires that states implement a series of control measures such as: maintaining records on firearms markings and transaction, marking firearms for identification and tracing, and establishing effective export, import, and transit licensing. The Protocol also requires mandatory marking at the time of manufacture and at the time of import for the identification and tracing of each firearm.

Recent Developments and the Current Situation:

Although the UN has taken action to help curb the illicit arms trade, many countries in central Africa are still facing the ramifications of the illegal arms trade. Approximately 7 million small arms and light weapons have been produced and marketed in central Africa in the past 15 years. The accessibility and easily concealed components of small arms and light weapons make them the weapons of choice for insurgents and criminal groups, contributing to conflict. The total estimated number of small arms and light weapons found in Africa alone is 100 million. The African Union (AU) calls the illicit trade of small arms and light weapons the “development of a culture of violence that has destroyed the social fabric of many countries in Africa.” During the six-year war, lasting from 1993-1999 in the Democratic Republic of Congo, over 740,000 weapons had been acquired by the militia. The main six suppliers of small arms and light weapons to the Democratic

Republic of Congo are: China, Egypt, France, South Africa, Ukraine, and the United States. Although the Democratic Republic of Congo is doing its best to end the illicit arms trade by implementing the Programme of Action, the country is still plagued by instability. The illicit trades of small arms and light weapons have given insurgents the power and tools they need to rule based on fear. The unlawful killings and rapes are still persistent in this region and will continue unless the UN takes further action.

The instability in Africa is a prime example of why an Arms Trade Treaty is necessary in order to eradicate the illicit trade of small arms and light weapons. By allowing these illegal weapons to fall into the wrong hands, member states have contributed to the increase in conflict and human rights violations in many of the African states. Negotiations over the Arms Trade Treaty lasted for seven years before the adoption of a treaty on March 28, 2013. The purpose of the Arms Trade Treaty is to regulate and limit trades in arms in cases of human rights violations. The Treaty was approved by a vote of 154 in favor, 3 against along with 23 abstentions. Iran, Syria, and the DPRK were the only nations to vote against the Arms Trade Treaty.

China and Russia, two of the major arms contributors and permanent members of the Security Council, abstained with the other twenty-one member states. The Treaty will regulate all conventional arms that fall into these categories: battle tanks, armored combat vehicles, large-caliber artillery system, combat aircrafts, attack helicopters, warships, missiles, and missile launchers, along with small arms and light weapons. The Treaty also includes a “prohibition on the transfer of arms which would be used in the commission of genocide, crimes against humanity and certain war crimes.” The Treaty will open up for signatories on June 1st of 2013. *In 2015, two SALW GA Resolutions “Assistance to States for curbing the illicit traffic in small arms and light weapons and light weapons and collecting them” and “The illicit trade in small arms and light weapons in all its aspects (2015). The Sixth Biennial Meeting of States on the Programme of Action was held in New York in June 2016. *

The Idea of an Arms Trade Treaty is excellent in theory, but can it actually work in practice? As noted before, the UN has made previous attempts in controlling the illicit arms trade on small arms and light weapons, but acts of violence are still present today in regions where these weapons are easily accessible. Consider possible solutions for how the UN can make the Arms Trade Treaty work in practice without infringing on state sovereignty. Also consider the answers to the following questions in your research:

How can member states be encouraged to sign the legally binding Arms Trade Treaty? How can the P-5 be persuaded to comply with the provisions of the treaty so that they will no longer be major contributors to the illegal arms trade? How can the Arms Trade Treaty deter many of the current situations circulating the globe? For example, the situation in Syria. What types of consequences should be considered for members who violate the Arms Trade Treaty?

Annotated Bibliography

<http://cns.miis.edu/inventory/pdfs/aptsarms.pdf>

A/CONF.192/15 (2001) This source provides the text of the United Nations Programme of Action To Prevent, Combat and Eradicate the Illicit Trade In Small Arms and Light Weapons In All Its Aspects. Here you can find all the provisions of the document and what the PoA entails. This was one of the first steps towards the Arms Trade Treaty.

http://www.un.org/events/smallarms2006/pdf/international_instrument.pdf

A/CONF.192/15 (2006). This is an overview of the United Nations Small Arms Conference held in 2006. Definitions of small arms and light weapons are provided. Key events from the conference are highlighted along with a brief follow up to the conference.

<http://www.un.org/News/Press/docs/2006/dc3032.doc.htm>

DC/3023 (2006) Overview of the General Assembly 2006 conference discussing the Arms Trade Treaty. The Arms Trade Treaty took seven years to negotiate.

<http://www.poa-iss.org/FirearmsProtocol/FirearmsProtocol.aspx>

This is the United Nations page for the **Firearms Protocol** that came into full force in 2005. The Firearms protocol is important because until recently, it was the only global legally binding instrument addressing the issue of small arms.

<http://www.unodc.org/documents/organized-crime/Firearms/ITI.pdf>

This document contains the information of the **International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons**. The ITI came into existence after the PoA was adopted. Like the PoA, the adoption of the ITI was a major step towards combatting and the illegal trade of small arms and light weapons.

<http://www.poa-iss.org/InternationalTracing/InternationalTracing.aspx>

This is the website for the United Nations Programme of Action (PoA). The PoA calls upon member states to implement control measures at both the regional and global levels. Here you will be able to access important documents along with past and recent meetings. Information about the **International Tracing Instrument** (ITI) is found here as well.

<http://www.poa-iss.org/poa/S-2011-255-smallarms-en.pdf>

S/2011/255 (2011). This document is a report of the Secretary General of the United Nations. The Security Council reports builds upon the previous one, written in 2008, providing up to date information on particular topics that need attention.

<http://www.un.org/disarmament/convarms/SALW/>

This is the site for the United Nations Office for Disarmament Affairs. The web site includes information about the negative impact the illegal arms trade has had throughout the world. Past resolutions dealing with **small arms** and light weapons are achieved as well.

http://www.africa-union.org/root/au/AUC/Departments/PSC/Small_Arms.htm

This is the page for the African Union (AU) which is dedicated to addressing the totality of the

problem that the continent is facing with small arms and light weapons. Africa has suffered from severe instability within in most of its countries due to **small arms and light weapons**.

http://www.un.org/ga/search/view_doc.asp?symbol=A/67/L.58&Lang=E

This document is the **United Nations Arms Trade Treaty**. The Treaty was passed March 28, 2013 and is the first treaty created to combat the illegal arms trade.

Secondary Sources (titles in bold) <http://www.isn.ethz.ch/isn/Digital-Library/Articles/Special-Feature/Detail/?lng=en&id=152393&contextid774=152393&contextid775=152383&tabid=1453315360>

Title: Arms Flows to Sub-Saharan Africa

This is another article that is about the arms transfer to the Sub-Saharan region of Africa. The arms transfers in this region have led to continued armed conflicts.

http://www.consultancyafrica.com/index.php?option=com_content&view=article&id=1149:the-arms-trade-in-africa-would-an-arms-trade-treaty-have-a-real-impact&catid=57:africa-watch-discussion-papers&Itemid=263

Consultancy Africa Intelligence.

Title: The Arms Trade in Africa: Would an arms trade treaty have a real impact?

This article takes into consideration the major issues that Africa has with the illegal arms trade and the benefits that the Arms

Trade Treaty would provide to combatting the problem. This article also addresses problems that may arise from the treaty.

<http://www.un.org/apps/news/story.asp?NewsID=42578&Cr=Arms+Trade&Cr1=&Kw1=Arms+Trade+Treaty&Kw2=&Kw3=#.UWWDgKVgOFI>

Title: Countries Must Regulate Arms Trade to Prevent Human Rights Violations (Article: UN News July 27, 2012) This article, written by a UN expert, expresses to concern and need for the members of the UN to negotiate an Arms Trade Treaty. The illicit arms trade has resulted in human violations in multiple countries. The article addresses the corner that has arisen from the very limited progress of the negotiations that took place in 2012

<http://www.amnesty.org/en/news/dr-congo-arms-supplies-fuelling-unlawful-killings-and-rape-2012-06-11>

Title: DR Congo: Arms supplies fueling unlawful killings and rape

This is an article from Amnesty International about the arms supply in the Democratic Republic of Congo that has led to mass human right violations and unlawful killings.

<http://www.reuters.com/article/2013/04/02/us-arms-treaty-un-idUSBRE9310MN20130402>

Title: U.N overwhelmingly approves global arms trade treaty

Article providing information about the adoption of the 2013 Arms Trade Treaty.

<http://www.cfr.org/syria/effect-un-arms-trade-treaty-syrian-conflict/p30593>

Title: What will be the effect of the UN Arms Trade Treaty on the Syrian conflict?

Council on Foreign Relations. This is an article that discusses the possible effect that the Arms Trade Treaty may or may not have on the Syrian conflict.

II. Improving Border Security to combat Terrorism and Security Threats

Background:

The importance of a country's border cannot be underestimated. The security of a nation's borders is paramount in maintaining sovereignty in respect to the nation's interests. It is important to discuss border security in an effort to alleviate the stress caused by two important issues: the threat of criminal activity and the threat to human security. Criminal activities are a major concern in relation to border security. One of the greatest criminal happenings today, in regards to border security, is the movement of terrorist groups. In 2001 Member States of the United Nations met in Nairobi, Kenya to discuss the United Nation's Global Terrorism Strategy. The meeting was held in order to create resolution 1373 that focused on counter-terrorism. The idea of secure borders and safer travel to prevent terrorist movement across borders was thoroughly discussed. The UN has also directed much of its focus on illicit trade across borders. Illicit trading entails the trafficking of illegal drugs, people, and other contraband goods. This is to be regulated by more secure border control, border management and stricter customs reforms.

Border security goes beyond criminal elements and deals with many important human rights issues. As defined in Resolution A/RES/60/288, the General Assembly of the United Nations affirms that Member States are desirous in continuing to resolve all social conflicts related to border security, both direct and indirect. In short, the United Nations wishes to resolve the following issues and their associated nuances: foreign occupation, issue of oppression, border poverty, stymied growth (as to deter the need of emigration through economic prosperity), inadequate governance, issues related to human rights, and social inequality. An example is the protection of immigrant populations. The safety of these workers may be at risk with unsecured borders. Likewise, the security of borders is important in lessening illegal immigration and other matters of illicit behavior. This is both a human rights issue and a security issue. This article also discusses the government action related to the issue.

UN Involvement:

Many different publications are available to Member States which highlight security measures to insure stronger borders. The United Nations Office on Drugs and Crime (UNODC) has taken an active role in curtailing fraudulent behavior on international borders. They have created a guide that serves as a tool for strengthening the examination of travel documents and identification at borders. This guide calls for close examination of documentation, along with instilling stricter punishment for fraudulent acts or falsifying documents. CITIF (Counter-Terrorism Implementation Task Force) is an online publication that supports counter-terrorism efforts at the border. This document provides an easily accessible proposal for, "relevant legal, institutional and practical border control measures to counter-terrorism can be found in one easily accessible location."

Member States conducted a global survey in 2011 to assess how effective the 2001 resolution adopted in Nairobi, Kenya had been at increasing border security. They found that many nations still needed to enhance cross-border communications, strengthen porous borders and enforce stricter custom reforms. Overall the Member States felt that terrorist networks were beginning to

weaken. The security of maritime borders was found to be a point of vulnerability with regards to border strengthening. Maritime borders are hard to manage, regulate and control. This was highlighted as an area in need of much reform. Following this meeting in 2012 the General Assembly met to address the ongoing threat of terrorism and adopted resolution A/RES/66/282. This resolution reaffirms the past actions taken by the UN in 2001 and also encourages Member states to improve on certain measures. It recalls and commemorates the work being done by the CITIF in hopes that more Member States will use this document in the future. Ban Ki Moon recently called upon Member States to continue their work on border security. He highlights the need for continual strengthening of control along borders. Borders that are susceptible to criminal activity can, “enable the trafficking of drugs, weapons, contraband, and people”. He then makes a point to state that no regulations should coincide with the rights of migrant people and make no room for inhumane treatment of a person. Overall border security should work to stop the spread of threats in and out of a nation.

Current Situation:

Border Security is continually discussed in the United Nations. Border security can be associated with many other important issues discussed in the United Nations, which include human rights, terrorism, illicit trading, and migration. The UN has seen favorable improvement in border security amongst its Member States as resolutions continue to be adopted by the body. The EU is concerned of the effects that the increasing migration rates may have on border security. As the world becomes more mobile threats to border security continue to increase. This means that the solution to creating a secure border is continually changing and the topic continues to stay at the forefront of discussion. Terrorism, criminal movement, illegal immigration, illegal trade and migration all continue to place strain on borders of Member States. There are many technological advancements that can aid nations in securing their borders. As the world develops so must strategies for border security. Member States must remain aware of the effects border security has on immigration and public safety. Border security “is likely to remain high on the domestic political agendas of Member States – and indeed governments worldwide – for the foreseeable future.”

The South Africa government unearthed a successful way to strengthen their borders and combat many issues that arose from the weakness of their border. A joint effort between UNODC Southern Africa, the South African Border Control Operational Coordinating Committee (BCOCC), and Europol a project called, “Strengthening Law Enforcement Capacity (Border Control Operations) and Criminal Justice Response to Smuggling of Migrants and Trafficking in Persons” was started. This project aimed to deter illegal migration through the South African borders. This has been a problem as this country continues to fall victim to illegal trafficking of persons from Africa to Europe. The project enhanced the capabilities of South African border control agencies, improve border officials ability to detect fraudulent documentation, improve knowledge and international cooperation, and increase awareness of such activities. South Africa is one of many nations to have success in border security strategies; however, the UN continues to encourage this kind of success for every Member State.

**The International Organization for Migration has had several Resolutions concerning migration, development, trafficking, and refugee assistance. The United Nations Office on Drugs and Crime and Terrorism Prevention has several campaigns and commissions partnering with The European Union, the EU, the International Organization for Migration, and the United

Nations Children's Fund.

Questions to Consider:

When considering present-day issues, take note of the following questions, as they are pertinent in analyzing the subject of border security. Are threats to border security universal or confined to a certain region? How does a nation's economy play a role in border security? Does this have an effect on the strategies a nation can use to secure its borders? How does the UN continue to promote border security without infringing on state sovereignty? What are strategies that can be used specifically to address the movement of terrorist groups across borders? Keep in mind the development technology. What strategies and laws can be used to address Foreign Terrorist Fighters across borders?

Annotated Bibliography

CITIF (Counter-Terrorism Implementation Task Force) New online tool to support counter-terrorism efforts at the border

<http://www.un.org/en/terrorism/ctitf/pdfs/ctonlinetool.pdf>

This document notes an online reference that the UN furnishes for its member nations. This document creates “a platform where relevant legal, institutional and practical border control measures to counter-terrorism can be found in one easily accessible location.” Its purpose is pertinent in aiding member states in finding resources for combating border security issues.

The Fifth Special Meeting of the Counter-Terrorism Committee with International, Regional and Sub regional Organizations on “Prevention of Terrorist Movement and Effective Border Security”

http://www.un.org/en/sc/ctc/specialmeetings/2007nairobi/docs/Nairobi_joint_statement.pdf This

document is a joint statement of meetings that convened in Nairobi several years ago. The meeting’s purpose was to discuss issues relating to terrorism and its relation to border security. The UN reaffirmed its purpose in fighting terrorism through securing borders. It also details a plan of action to occur, along with UN subsets that shall be involved.

Forbes Immigration Debate: What's More Important, Border Security Or Protecting Immigrant Workers?

<http://www.forbes.com/sites/nathanieparishflannery/2013/09/09/immigration-debate-whats-more-important-border-security-or-protecting-immigrant-workers/>

Forbes reports on a relevant topic of discussion that many countries face, that is border security and immigrant workers. In nations like the United States of America, it is likely that some sectors of industry employ immigrant workers. The safety of these workers may be at risk with unsecured borders. Likewise, the security of borders is important in lessening illegal immigration and other matters of illicit behavior. This media document reports on various subjects relating to this issue. This includes government action on the local and national levels.

Global survey of the implementation of Security Council resolution 1373 (2001) by Member States

<http://www.un.org/en/sc/ctc/docs/2011-globalsurvey1373.pdf?m=S/2011/463>

IOM (International Organization for Migration) Border security: Responding to Modern-day Challenges

http://www.iom.int/cms/en/sites/iom/home/what-we_do/migration-policy-and-research/migration-policy-1/migration-policy-practice/issues/junejuly-2012/border-security-responding-to-modern-da.html

This document stresses concerns that member states may have in regards to immigration and public safety. These issues relate to border security and spells out the importance of it. It also explains why border security “is likely to remain high on the domestic political agendas of Member States – and indeed governments worldwide – for the foreseeable future.”

Securing Borders Against Illicit Flows UN document: S/2012/195

http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/195

This document highlights issues facing border security. The document also spells out pertinent measures in regards to strengthening border security.

Security Council, Concerned at Threat Posed by Illicit Cross-Border Trafficking, Asks for Assessment of UN Efforts in Helping States Counter Challenges UN document: SC/10624
<http://www.un.org/News/Press/docs/2012/sc10624.doc.htm>

This document outlines the measures taken by the Security Council in regards to multinational border issues. In it, one will find statements made by multiple member nations and their respective stances on issues relating to illicit trade and human trafficking.

The United Nations Global Counter-Terrorism Strategy UN resolution: A/RES/60/288
http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/60/288

This adopted resolution is important in regards to terrorism and border security. In it, one will find measures of the counter-terror strategy, a plan of action, and models detailing what to do.

The United Nations Global Counter-Terrorism Strategy Review UN resolution: A/RES/66/282
http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/66/282

This UN resolution is helpful in spelling out the visions and goals that are in place for fighting terrorism and securing borders. It restates and reiterates past actions, along with spelling out the demands of then-present issues.

United Nations News Center

<http://www.un.org/apps/news/story.asp?NewsID=41859#.U9R-SYBdWAS>

UNODC (United Nations Office on Drugs and Crime) Border Control

<http://www.unodc.org/southernafrica/en/bc/index.html>

This source highlights a regional project conducted in South Africa that exemplifies ways in combating border issues. In its task 'Strengthening Law Enforcement Capacity (Border Control Operations) and Criminal Justice Response to Smuggling of Migrants and Trafficking in Persons,' South Africa proved to successfully take on border issues. Through this project, South Africa teamed up with UNODC, INTERPOL, among others to take on a list of initiatives in place. This can be applied elsewhere and is considered a model.

UNODC (United Nations Office on Drugs and Crime) Guide to Strengthen Examination of Documents at Borders

<http://www.unodc.org/unodc/en/frontpage/2011/January/unodc-releases-guide-to-strengthen-border-examination-of-documents.html>

