

United Nations Office for Disarmament Affairs

Topic B: Legal Conventional Weapons: Civilian Accessibility (production and Sales Control).

Dear delegates of UNODA,

For this model, you will be dealing with two major world issues: Civilian accessibility to Conventional Weapons and the Growing tension between the United States of America and Syria as a Result of Chemical weapons developed on Syrian Territory.

To reach viable and effective solutions on the topics, the UNODA Committee needs your ingenuity, diplomacy and problem-solving capacity, among other abilities. We encourage you to use these in the debate in order to increase your high standards and maturity in discussing this kind of topics, enhancing the outcome of our committee's resolutions.

Welcome to the United Nations Office for Disarmament Affairs of the 4th Tarbut Model of the United Nations!

Yours Sincerely,

Moderator

Vanessa Kershenobich

Head of Committee

Jacobo Buzzali

Chair

Andrea Bierz

United Nations Office for Disarmament Affairs:

UNODA was originally established as a department of the United Nations in 1998 as the department for disarmament affairs. Its main goal is to promote the disarmament and non-proliferation of weapons of mass destruction as well as conventional and small weapons. It is divided into a series of departments, which deal with specific topics:

- 1. Weapons of mass destruction:** Focuses in the non-proliferation and disarmament of Chemical, Biological and Nuclear weapons
- 2. Regional Disarmament:** Provides advice to member states as well as regional organizations to apply disarmament measures.
- 3. Conventional Arms:** Concentrates in providing support for the disarmament of every

weapon not considered a Mass destruction one, promotes the regulation of weapons flow and coordinates actions taken in regions of tension.

UNODA's current high representative, Ms. Angela Kane, assumed this position in 2012 and is currently supervising UNODA's work towards the establishment of a more peaceful and disarmed world.

"I believe progress is possible — and it must be possible. The price of failure is too high and the benefits of success are overwhelmingly clear. We owe this to the scores of people who fall victim to illicit small arms every day, every hour, every minute."

Angela Kane, High Representative for Disarmament Affairs. New York, 19 March 2012

Small Summary of the Topic:

In all but a handful of countries around the world, civilians are permitted to purchase and possess firearms—with restrictions. Domestic regulation governing the possession, ownership, carrying, and use of firearms is typically designed to limit access to responsible users, thus reducing the risks of unlawful violence.

However, in some countries, people who get access to these kinds of weapons begin forming armed groups whose purpose is supposedly to "protect" their community against the wave of violence in their countries. Alleging poor support and protection from the military and government, since they are not a formal, well- trained military group who abide to any form of law or institution, these groups tend to make justice on their own, increasing violence. This happens mainly in countries that lack of social, economic and political stability. On the other hand, another problem arises when inadequate weapon-selling regulations allows mentally disturbed or emotionally unstable people to acquire them with almost no restrictions.

Permitted civilian uses of firearms typically include sport shooting, hunting, self- defense, and some types of professional work. Underpinning most national approaches to civilian firearm possession is an attempt to balance the prevention of social harm (crime, interpersonal violence, and suicide) with legitimate civilian use. Most present-day conflicts are fought mainly with small arms, which are broadly used in inter-State conflict. They are the weapons of choice in civil wars and for terrorism, organized crime and gang warfare.

It is your duty as members of the international community to approach this conflict with solutions that balance civilian firearm possession and the prevention of social harm.

The relationship between society and small arms is changing the world over, and it's our duty

it does for the better.

Historical Background:

The 1980 *Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects* ("Convention on Certain Conventional Weapons" or "CCW") is based on the general rules of international humanitarian law that prohibit the use of weapons that are indiscriminate or of a nature to cause superfluous injury or unnecessary suffering.

The international humanitarian law bans or restricts certain types of conventional weapons in order to protect civilians from their indiscriminate effects and to spare combatants from excessive injuries that serve no military purpose.

One of the main legal instruments for this is the 1980 Convention on Certain Conventional Weapons.

Protocol II, amended in 1996, regulates the use of landmines, booby-traps and other explosive devices. Protocol III restricts the use of incendiary weapons. Protocol IV bans the use and transfer of laser weapons designed to cause permanent blindness. Under Protocol V, States established a framework to minimize the risks and effects of explosive remnants of war in post-conflict situations.

In the past, there have been proposals for new CCW Protocols on anti-vehicle mines, small caliber bullets and cluster munitions. Transparency in armaments can help determine if excessive or destabilizing accumulations of arms is taking place. Since its inception in 1991, the UN Register has received reports from more than 170 States. The vast majority of official transfers are captured in the Register. Reports include data provided by countries on arms transfers as well as information on holdings, domestic purchases and relevant policies.

The Register covers seven categories of arms, which are deemed the most lethal ones. In 2003, countries decided that small arms could be added to the Register, so many countries now include small arms in there.

If countries without a domestic industry dutifully report their imports, it would be fair if countries that produce arms themselves report on their domestic purchases. In that way, all purchases are covered. Therefore the Register includes a provision for reporting on procurement through national production.

Most of the world's firearms are held, not by national armed forces or police, but by civilians. The regulation of civilian gun ownership is thus an integral component of broader efforts to

control access to and use of firearms. Domestic regulation governing the possession, ownership, carrying, and use of firearms are typically designed to limit access to these weapons to responsible users, thus reducing the risks of unlawful violence. Safe storage requirements minimize the risk of theft and accidents (keeping loaded firearms away from children in the home).

Most countries have legislation governing the civilian possession of firearms, although the nature of these laws varies considerably. States tend to require licensing of all new firearms purchases, while import and export controls are virtually universal. A significant majority registers firearms, and storage regulations are common. While the approaches vary, the underlying principles remain the same: regulate possession and use in an effort to prevent diversion and misuse.

The illicit trade in small arms, light weapons and ammunition wreaks havoc everywhere; mobs terrorizing a neighborhood, rebels attacking civilians or peacekeepers, drug lords randomly killing law enforcers or anyone else interfering with their illegal businesses, bandits hijacking humanitarian aid convoys. In all continents, uncontrolled small arms form a persisting problem.

Small arms are cheap, light, and easy to handle, transport and conceal. A build-up of small arms alone may not create the conflicts in which they are used, but their excessive accumulation and wide availability aggravates the tension. The violence becomes more lethal and lasts longer, and a sense of insecurity grows, which in turn leads to a greater demand for weapons.

Present Situation:

In all but a handful of countries around the world, civilians are permitted to purchase and possess firearms—with restrictions. While only a fraction of the world's civilians own guns, they possess a total of some 650 million— representing nearly three-quarters of the global firearm arsenal or approximately three times the number held by national armed forces and law enforcement.

Permitted civilian uses of firearms typically include sport shooting, hunting, self- defense, and some types of professional work. Underpinning most national approaches to civilian firearm possession is an attempt to balance the prevention of social harm (crime, interpersonal violence, and suicide) with legitimate civilian use. Most present-day conflicts are fought mainly with small arms, which are broadly used in inter-State conflict. They are the weapons of

choice in civil wars and for terrorism, organized crime and gang warfare.

The relationship between society and small arms is changing the world over. Small arms are proliferating virtually everywhere and civilian ownership is the one that appears to be changing most rapidly.

Domestically, small arms can enter illicitly through distribution, theft, leakage, divergence, pilferage or resale. Shipments of small arms to conflict zones from abroad are most often small-scale consignments - a steady trickle of weapons across porous borders. The cumulative destabilizing force of such small-scale trade is not to be underestimated, particularly in unstable regions where small arms are traded from one conflict to another. It is difficult to make generalizations about the legislative processes of countries with vastly different executive structures and political systems. However, it is clear that the process of passing laws is often a complex one, involving a range of interdependent factors—including public advocacy, private interests, social mobilization, prevailing national priorities, and even interpersonal relations between policy-makers, among many others. In the case of civilian possession laws, attitudes to and experiences of gun use and gun crime may be as important as all of these factors in shaping laws.

States take one of two general approaches to civilian possession of firearms: they treat it as a basic 'right' or consider it a 'privilege'. In some countries there is an automatic entitlement to have a gun unless certain factors apply (such as a serious criminal conviction) while in most others there is a presumption against civilians owning firearms unless certain conditions and requirements are met. Legislation reviewed for this chapter suggests that the vast majority of states fall into the latter category. This distinction informs the nature and, in some cases, the extent of the regulations states imposes.

High levels of armed violence impede economic growth. According to the World Bank, nothing undermines investment climates as much as armed insecurity. Reliable data sets on small arms can only be built if countries provide information on production, holdings, trade, legislation and use. But of all transparency measures on weapons systems, those on small arms are the least developed.

Governments have a responsibility to ensure public safety and they have an interest in providing human security and development to their citizens. So they should ensure that small arms from Government stocks or from private ownership are not misused and do not enter illicit circuits, where their use may contribute to instability and to exacerbating poverty.

To attain those goals, within the UN, countries have agreed on several commitments on small

arms control: the Firearms Protocol, the Program of Action on small arms - including an Instrument on marking and tracing - and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

The vast majority of small arms are sold and transferred legally, but global patterns of supply of small arms and light weapons have changed profoundly over the past few decades. This has complicated controls. In the past, arms markets were relatively easy to survey, with far fewer supply outlets and less intermediate activity. Typically, closing a deal and delivering the goods were done by State authorities or Government agents. The use of private intermediaries has become common practice.

A recurring problem concerning the proliferation of small arms, in particular in zones of crisis and conflict, is the absence of a normative framework for all States to guide decisions regarding arms transfers.

Important for the delegates to check:

- Civilians own approximately 650 million firearms worldwide, roughly 75 per cent of the known total.
- Civilians in the United States own some 270 million of these. · There are at least 875 million combined civilian, law enforcement, and military firearms in the world today.
- This is equal to roughly one gun for every seven people worldwide (without the United States, the figure drops to about one gun for every ten people).
- These figures do not include older, pre-automatic small arms still maintained by armed forces or craft-produced civilian guns.
- Nearly 79 million civilian firearms are known to be register with authorities, roughly 9 per cent of the suspected civilian total.
- The rising availability of handguns has transformed urban weapons ownership, while semi- or fully automatic rifles have transformed possession in urban and rural settings.

Recommendations:

National approaches to civilian firearm regulation turn on the question of whether civilian ownership is seen as a basic right or a privilege. As representatives of each of your respective countries, you must consider this in your statements in order to achieve a greater level of understanding and enabling you can reach a viable solution depending on the

situation in the countries you stand for.

Sources of Information and Research:

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

<http://www.icrc.org/eng/war-and-law/weapons/conventional-weapons/overview-conventional-weapons.htm>

<http://www.smallarmssurvey.org/regulations-and-controls/control-measures/civilian-possession.html>

<https://www.cia.gov/library/publications/the-world-factbook/>

<http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2007/en/full/Small-Arms-Survey-2007-Chapter-02-EN.pdf>