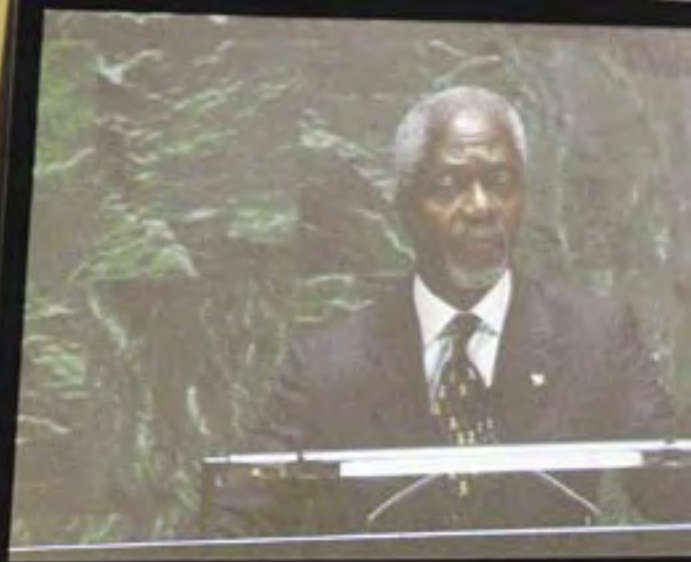


ASJ

AUSTRALIAN SHOOTERS JOURNAL

The political voice of the SSAA



Special Report on the UN Illicit Trade in Small Arms Conference



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In this issue

ASJ



The political voice of the SSAA

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"a positive outcome could have been reached if these anti-gun NGOs kept to the facts, which prove that the private ownership of firearms in the right hands adds to the stability and peace of the world"

SSAA National President
Bob Green, Review
Conference attendee.

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Front cover photo by Paulo Filgueiras

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United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, June 26 - July 7, 2006

From June 26 to July 7 this year, the United Nations held a conference in New York to review the place of the illicit trade of small arms and light weapons in the international community.

The UN Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects was part of a follow-up process recommended by the Member States that participated in the UN Conference that adopted the Programme of Action in July 2001.

The Programme of Action (PoA) is a politically binding international instrument that aims to curb the proliferation of illicit small arms and light weapons. It is primarily concerned with the illicit manufacturing, brokering and trafficking of small arms and light weapons, and deals with weapons left over from conflicts, leaked from military and police stockpiles or otherwise stolen or smuggled.

The PoA contains a wide range of political undertakings and concrete actions that Member States committed themselves to at national, regional and global levels. It was adopted unanimously by UN Member States at the July 2001 UN Conference and supposedly represented 'a watershed for global efforts to promote arms control'.

This year's review conference provided the first opportunity for the international community to review the progress of the PoA by examining the commitments not implemented, exploring problems that have hampered such implementation and identifying recommendations to address them.

Many viewpoints were raised during the conference, but it seemed that it was the conference, not just the PoA, that was hampered by problems. At the end of the two weeks of sitting, an agreement about the PoA could not be reached. The conference effectively collapsed.

There are many reasons why an agreement did not result. As SSAA National President Bob Green stated in his August *Australian Shooter* editorial, "a positive outcome could have been reached if these anti-gun NGOs kept to the facts, which prove that the private ownership of firearms in the right hands adds to the stability and peace of the world".

Instead of focusing on the illicit trade of Cold War Kalashnikovs and other military surplus firearms leaked into countries such as Rwanda or Sierra Leone, IANSA and other such organisations opened up the conference to the sporting

and recreational uses of firearms, obviously raising the ire from firearms associations such as the NRA and the SSAA.

The good intentions of curbing the movement and use of **illicit** small arms and light weapons via UN policies was soon blurred with concerns for the use of legally owned firearms by civilians.

The UN itself says that it emphasises that it would not aim to curb or eliminate the legal trade of small arms and light weapons and that it is the 'prerogative of each State to legislate the rights of its citizens to bear arms'. But, when one walks around the halls of the UN, one could easily be confused by the anti-gun symbolism. Indeed, out the front of the UN stands a massive handgun with the barrel tied in a knot. Other campaigns show guns rendered useless and turned into musical instruments. How can one believe that the legal use of firearms is not in danger when the UN projects an attitude of 'all guns are bad' and skews the topic at hand? The SSAA fully supports attempts to curb the illegal use of firearms by criminals and warmongers but the rights of civilians to enjoy recreational shooting and hunting must be respected.

The UN says there are about 600 million small arms and light weapons in circulation worldwide, but how many of these are licit (owned legitimately by civilians or armies) and how many are being used illicitly?

Furthermore, the PoA has never really provided an official definition of what constitutes small arms and light weapons. The closest they have come was a document presented by the UN General Assembly on December 8, 2005, which states that small arms and light weapons are "any man-portable lethal weapon that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive".

You can see how such language and 'facts' can leave a lot of leeway for the antis and how Member States can bring forth statements which are not relevant to the argument.

Clearly, the SSAA cannot stand idly by and recommend the signing of an agreement that would restrict the use of sporting firearms by law-abiding citizens.

In this edition of the *ASJ*, we have published some of the speeches presented at the UN conference, both from the pro- and anti-firearms sides. We also have an academic paper from Stephanie Koorey, a Doctoral Candidate from the Australian National University. ●



The Secretary-General's address

presented by Kofi Annan,
Secretary-General of the United Nations

Five years ago, United Nations Member States made a commitment to urgently address the illicit trade in small arms and light weapons. The Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons represented a landmark consensus against the trafficking of small arms and it gave us a blueprint to staunch the flow.

Today, we gather to mark that milestone and to review our progress in realising its commitments.

The problem remains grave. In a world awash with small arms, a quarter of the estimated \$4 billion annual global gun

trade is believed to be illicit. Small arms are easy to buy, easy to use, easy to transport and easy to conceal. Their continued proliferation exacerbates conflict, sparks refugee flows, undermines the rule of law and spawns a culture of violence and impunity.

The majority of people who die directly from conflicts worldwide - tens of thousands of lives lost each year - and hundreds of daily crime-related deaths can be traced to illicit small arms and light weapons.

These weapons may be small, but they cause mass destruction.

I am glad to say that, since the adoption of the Programme of Action, we have seen significant progress.

Nearly 140 countries have reported on its implementation. An overwhelming majority of them have laws to restrict the flow of illicit small arms and light weapons and well over half have established national coordinating bodies to check their spread.

In addition, a third of all States have made efforts to collect weapons from those not legally entitled to hold them. And a majority have implemented standards and procedures to secure and manage weapon stockpiles.

Regional and sub-regional cooperation to stem the flow of illicit weapons across national borders is on the rise. I particularly welcome the entry into force of the Southern African Development Community and Nairobi Protocols and the recent transformation of the Economic Community of West African States moratorium into a legally binding instrument.

There are other noteworthy developments as well. The Firearms Protocol is now in force. The United Nations General Assembly has adopted the International Tracing Instrument to identify and trace illicit small arms. Disarmament, Demobilisation and Reintegration is now a part of all United Nations peace-keeping and post-conflict programs.

And we have made advances on illicit brokering in small arms. A group of governmental experts are set to study this problem later this year. I hope they will come up with concrete recommendations on ways for States to act effectively against this nefarious activity.



UN Secretary-General Kofi Annan (at podium) at the opening session of the UN Small Arms Review Conference in New York. UN photo (by Paulo Filgueiras).



**Our energy,
our emphasis
and our anger
is directed against
illegal weapons,
not legal ones.**



An art exhibition entitled 'Crush the Illicit Trade in Small Arms' opened at the UN Headquarters in New York. The exhibit coincided with the UN Review Conference.
UN photo (by Eskinder Debebe).

Clearly, much has been accomplished and much is currently being done. Yet important challenges remain.

There is an urgent need for Member States to introduce or update legislation meeting the standards outlined in the Programme of Action. Countries also require better stockpile management and security procedures to reduce weapons pilferage. And we must reach agreement on a realistic and effective approach to end-user certification. Without such certification, any effort to regulate the trade and brokering in small arms and light weapons will be found lacking.

At the same time, 55 States have yet to report on the Programme of Action. Some of the reports submitted contain insufficient data for the assessment of progress, while many national coordinating bodies lack the capacity or resources to carry out their functions. Weapon collection efforts have destroyed a mere fraction of the illicit weapons available in conflict zones and on city streets. There is a need for even better international cooperation and increased donor funding to match unaddressed needs.

Inevitably, States must take the lead in dealing with these complex problems and in clamping down on the illicit trade in small arms and light weapons. But civil society plays a significant role as well. Through awareness campaigns, advocacy, community initiatives, research and technical expertise, civil society actors have been instrumental

in our efforts to implement the Programme of Action. I am therefore delighted to see so many civil society organisations present today. I look to them to share their perspectives, their concerns and their expertise; I suspect they will do so vigorously!

Let me also note that this Review Conference is not negotiating a 'global gun ban', nor do we wish to deny law-abiding citizens their right to bear arms in accordance with their national laws.

Our energy, our emphasis and our anger is directed against illegal weapons, not legal ones. Our priorities are effective enforcement, better controls and regulation, safer stockpiling and weapons collection and destruction. Our targets remain unscrupulous arms brokers, corrupt officials, drug trafficking syndicates, criminals and others who bring death and mayhem into our communities and who ruin lives and destroy in minutes the labour of years. To halt the destructive march of armed conflict and crime, we must stop such purveyors of death.

This is an ambitious - but achievable - goal. The Programme of Action has already provided us with a framework. Now, it is up to all of us, States, international and regional organisations and civil society participants, to realise its aims.

It is in that spirit that I wish all of you a very successful Review Conference. ●



Statement by the Hon Robert Hill

presented by the Hon Robert Hill, Ambassador and Permanent Representative of Australia to the United Nations

Mr President, let me first extend my thanks to you and to the UN Department for Disarmament Affairs for your tireless efforts in preparation for this conference to review progress made in implementation of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons. Your efforts during the extensive informal consultation process have been particularly valuable.

I should also say that Australia associates itself with the statement of the Pacific Islands Forum (PIF) to be delivered by my colleague and Chair of the PIF, the Ambassador of Papua New Guinea.

Australia is firmly committed to implementing the Programme of Action and has enacted some of the most stringent laws and regulations regarding firearms ownership, import and export in the world. Since 1996, firearms reform measures have occupied the attention of the highest levels of the Australian Government. Australia's domestic firearms control require the registration and licensing of all firearms owners, prohibit a range of automatic and semi-automatic longarms and handguns and mandate minimum firearms safety training and storage requirements.

Australian law has substantial penalties for illegal possession or selling of firearms and for cross-border trafficking offences. The Australian Customs Service has increased its capacity to detect illegally imported handguns. Australia implements strict and comprehensive controls and licensing procedures to regulate the transfer of small arms, including trans-shipments. All proposed exports of defence and related goods are subject to comprehensive, case-by-case Government review and licensing. Approvals are issued only for exports that are consistent with Australia's international obligations and broader interests, including security and human rights.

We also provide assistance to regional countries to address small arms and light weapons proliferation concerns. Australia has, through the Defence Cooperation Programme, constructed armouries and magazines to secure weapons and ammunition for regional military and police forces in Timor Leste, Fiji, Papua New Guinea and Vanuatu. Australian overseas aid assistance has been active in supporting post-conflict reconstruction both in the region, including Bougainville, Cambodia, Timor Leste, Papua New



Australian law has substantial penalties for illegal possession or selling of firearms...

The Hon Robert Hill, Ambassador to the UN.

Saving the Programme of Action

presented by Dott. Carlo Peroni, President of the World Forum on the Future of Sport Shooting Activities (WFSA)

Mr President, I am Carlo Peroni, President of the World Forum on the Future of Sport Shooting Activities, an ECOSOC NGO comprising over 40 hunting, sport shooting and commercial organisations from all over the world. The WFSA and its member organisations have been participating in UN meetings regarding small arms since 1995. This was even before the adoption of the Programme of Action in 2001. Although it is of little consequence, we are the senior NGO in this process.

In these 11 years we have brought a consistent message to the United Nations. First, we have repeated over and over

that we, the law-abiding hunters, sport shooter and legal firearms owners, are not the problem. Hundreds of millions of sporting and subsistence firearms have traditionally and historically been in the hands of families in free nations all over the world where people have lived in peace and enjoyed the lowest of crime rates. Second, Mr President, we have attempted to offer positive solutions to real problems that do exist. We have made substantial contributions to the deliberations on tracing. We look forward to offering our expertise and knowledge to discussions of brokering and if the decision should be made, end-user certificates and other matters.



Guinea, the Philippines, the Solomon Islands and further afield in Burundi, Rwanda and Sudan. Australia is also supporting the Regional Policing Initiative in cooperation with New Zealand, Fiji and the University of the South Pacific. An innovative five-year commitment, the aim of this initiative is to contribute to a safer, more secure and more stable region through improving basic policing skills through training and other practical assistance.

But recent events, including the renewed disturbances in Timor Leste and the Solomon Islands, clearly demonstrate that, despite the considerable achievements which we have made both collectively and individually since the Programme of Action was agreed in 2001, much more remains to be done, particularly with regard to capacity-building. Those events underline the importance of effective and sustainable 'Disarmament, Demobilisation and Reintegration' and security sector reform, including the vital component of providing alternate livelihoods for former combatants and discharged members of military and police forces. Other key elements we are working on include stockpile security and management and sustainable peace-building.

It is also clear that our collective efforts could be greatly enhanced through more efficient coordination of international assistance, including that provided by donor organisations as well as by States. This requires effective needs analysis. Greater coordination in this area should be a key outcome of this Review Conference.

Mr President, Australia strongly encourages Member States to acknowledge and advance the vital role of effective national transfer controls in raising the barriers against illicit proliferation of small arms and light weapons through the

Unfortunately, Mr President, all has not been well with this matter. For years we have been told, time and time again, that the UN effort is not a threat to legal civilian ownership of firearms. However, not once has this been acknowledged formally by the UN. It just never seems to happen, Mr Chairman. We are always left with a nebulous "trust us".

Mr President, in one of the pre-Conference documents published by a sister NGO, on the other side of the issue, the outrageous claim is made that the 400 million firearms in the hand of law-abiding citizens are the problem. Legally held firearms have always been part of our tradition and culture without creating a problem.

Mr Chairman, this has got to stop. The issue of legal civilian firearms possession should only play one role in this Conference and that is for this body to acknowledge in its report the undeniable, legitimate and rightful role of hunting, sport shooting and lawful civilian firearms ownership in numerous UN Member States.

adoption of strong language in this regard in the proposed outcomes document. Australia stands ready to discuss guidelines on transfer controls in this Review Conference.

This Review Conference must also address the issue of Man-Portable Air Defence Systems (MANPADS).

The proliferation of MANPADS to non-State actors with terrorist aspirations is a major concern. The sole purpose of MANPADS is to inflict catastrophic damage to an aircraft. Terrorists have used MANPADS against civilian aircraft. In the past few decades we have seen attacks against civilian and peace-keeping aircraft causing multiple deaths. And as the recent discovery of a terrorist cell in Switzerland has underlined, the terrorist threat to civil aircraft in major centres is very real. Thousands of MANPADS are unaccounted for worldwide and many are likely to be in the hands of terrorists and other non-State actors.

The adoption by consensus at UNGA 59 and 60 of First Committee resolutions on MANPADS demonstrates Member States' collective recognition of the serious threat to civil aviation posed by the unauthorised access to and use of these weapons by terrorist and other non-State end-users. This Review Conference must call on Member States to restrict transfers of MANPADS to governments only.

Mr President, this Review Conference must result in a greater practical focus on the Programme of Action, aimed at implementing concrete actions towards our common goal of reducing the suffering caused by illicit proliferation of small arms and light weapons.

Mr President, we undertake to work with you to achieve this goal.

Thank you. ●

We would again ask that this UN Conference adopt language such as this in its final report:

Recognising that States have developed different cultural and historical uses for firearms and that the purpose of the Programme of Action is not to discourage or diminish lawful leisure or recreational activities such as travel or tourism for sport shooting, hunting and other forms of lawful ownership and use recognised by the States Parties.

Mr Chairman, this Conference would do well to acknowledge that recent national political trends have been away from further and excessive interference with legal civilian firearms ownership. Representatives of governments and civil society in both countries, Brazil and Canada, can well speak for themselves.

Mr President, I sincerely hope that this Conference can acknowledge the role, the legitimate role that those hundreds of millions of hunter, sport shooters and legal firearms owners have to play in this process. Thank you. ●



Statement by Robert Joesph

presented by Robert Joesph, Undersecretary of State for Arms Control and International Security

It is my honor to present the views of my government at this important conference.

I want to begin by thanking the President of the Review Conference, Ambassador Kariyawasam, for his leadership and effort in setting the stage for what should be a successful Review Conference. We look forward to constructive engagement with all States present today to build upon this work. The United States believes it is important for all of us to speak with one voice concerning the grave matter of the international illicit trade in small arms and light weapons. To do so, we should start with a full and focused review of our progress and document that review in a manner that strengthens our collective commitment to effective action.

As a first step, we must make our positions clear. So let me be very clear: the US believes it is critical to our collective interests that we act to stem the illicit trade in small arms and light weapons. The US believes strongly in the agreed Programme of Action and is committed to its implementation. We will put forth detailed plans that we think the Review Conference should adopt, including advancing the effectiveness of export controls, the destruction of excess, loosely secured or otherwise at-risk stockpiles of small arms and light weapons and implementing the marking and tracing instrument.

My delegation is here today with a positive agenda - an agenda for effective action to address the illicit trafficking in small arms and light weapons, covering military-style arms such as shoulder-fired missiles and rocket systems, light mortars, machine-guns and automatic rifles.

But, with the goal of making an effective contribution to stopping the international illicit trade in small arms and light weapons, I will be equally clear about those actions we will not accept. In this regard, we agree with the remarks made by the Secretary-General to this conference yesterday, namely that the Programme of Action is not "intended to deny law-abiding citizens their right to bear arms in accordance with their national traditions" and that our efforts should be "directed toward illegal weapons and not legal ones".

The US Constitution guarantees the rights of our citizens to keep and bear arms and there will be no infringement of those rights. The US will not agree to any provisions restricting civilian possession, use or legal trade of firearms inconsistent with our laws and practices. Many millions

of American citizens enjoy hunting and the full range of firearm sports and our work will not affect their rights and opportunities. As an officer of the Executive Branch of my government, I took an oath to protect the Constitution - a duty that is an honor to uphold.

The long-established US positions on two other topics also remain unchanged. First, we are resolute in our belief that regulating ammunition is beyond the mandate of this body and would be ineffective, prohibitively costly, and is best addressed elsewhere - if at all. And second, while we will of course continue to oppose the acquisition of arms by terrorist groups, we recognise the rights of the oppressed to defend themselves against tyrannical and genocidal regimes and oppose a blanket ban on non-State actors. We believe lengthy debates on these topics will only serve to distract us from our areas of agreement and dilute the collective will required to combat the international illicit trade in small arms and light weapons.

Finally, we will not agree to a document that obfuscates the main problem, namely that of 'illicit trade', or which seeks to substitute an expansive and unworkable set of international regulations for specific and targeted actions of proven worth.

We must strive to take effective action. It is critical to our collective interests that we act here and elsewhere to stem illicit weapons flows across national borders or acquisition efforts by rogue regimes or by States that are known to support terrorist organisations. The key to achieving this goal lies not in creating new textual language, but in



Jan Eliasson, President of the 60th session of the General Assembly, addresses the UN Review Conference.
UN photo (by Paulo Filgueiras).



overcoming the political impediments to implement what has already been agreed upon and having the courage to take meaningful, but sometimes difficult, actions today that will prevent serious adverse consequences tomorrow.

The US enters these proceedings with the strong desire, backed up by demonstrated accomplishments, to conduct a serious review of the progress that has been made in implementing the original Programme of Action. To that end, the US supports: aggressive steps to implement the recently concluded agreement on the marking and tracing of weapons; effective controls on weapons transfers - both import and export - as well as robust end-user certification; strengthening controls over international brokers; effective stockpile management of weapons under State control; and the destruction of government-declared surplus and illicit weapons. And, while we will not accept formal negotiations or a formal agreement on transfer controls, we are willing to consider text that encourages the adoption of a set of principles on arms transfers. These steps, taken collectively, will reduce the international illicit trade in small arms and light weapons.

**...having the courage to take meaningful,
but sometimes difficult,
actions today that will prevent serious
adverse consequences tomorrow.**

Not only is the US prepared to endorse language to this effect in this conference, but more importantly and without regard to conference outcomes, the US will continue to implement the actions noted above through enforcement of robust export controls and end-user certification processes, as well as through our cooperation with others. By our analysis, the US is one of less than a dozen countries that have shown progress in implementing all aspects of the Programme of Action.

The US commitment to implementation of the Programme of Action can be seen in our arms export control structures, our law enforcement efforts and our significant programs of cooperation and assistance.

The US has a robust and transparent system of laws and regulations governing national holdings, manufacture and the international movement of small arms and light weapons. All firearms, by law, are marked at the time of manufacture and import. In addition, we have some of the strongest laws of any State concerning third-party transfers of weapons. The US is also one of only a handful of countries to assert universal jurisdiction on all US weapons or citizens

involved in the arms trade, no matter where they are located. A robust end-use monitoring system and a tough legal framework for enforcement support this export control regime.

In terms of cooperation and assistance, since agreement on the Programme of Action, the US has allocated over \$37 million to destroy 900,000 small arms and light weapons, as well as over 18,600 MANPADS in 25 countries around the world. Just this month, I endorsed plans to start new programs in four African States, as well as initiating what we expect to be a long and productive relationship with the Nairobi-based Regional Center for Small Arms. Moreover, we have a long track record of helping others enhance the security of their national stockpiles and improving the border controls and customs services so important to stopping illicit trade of all types.

Additionally, the US Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), works effectively in our country to enforce our firearms laws. Internationally, ATF offers a variety of training courses related to firearms and ballistic identification and firearms tracing for international law enforcement professionals. ATF also cooperates in more than 20,000 foreign tracing requests per year for our foreign law enforcement partners.

We are particularly pleased with the progress that has been made on this issue in various regional bodies such as the OAS, OSCE and NATO. Based on the documented success of these bodies, success measured in terms of working agreements and on-the-ground results, we feel that these are the most vital venues for meaningful next steps.

There should be no debate regarding the serious and disturbing collateral effects caused by the illicit international trade in small arms and light weapons. Indeed, the deleterious and disproportionate effects they have on innocent civilians, underdeveloped nations and those States trying to recover from the ravages of war and conflict are beyond dispute. It is for this reason that this Review Conference must remain focused on the issue at hand - illicit trade. We must focus on substance and not process. Accordingly, the US will not commit to another Review Conference. We will only consider proposals regarding follow-on actions that are focused, practical and intended to strengthen the implementation of the Programme of Action.

The US is proud of its commitment to the tenets of the Programme of Action and of our demonstrated achievements in its implementation. Mr President, we look forward to working with you and all States present to identify and overcome those obstacles that remain to expanding and strengthening implementation of what we all agreed in 2001.

Thank you. ●



IANSA

Vision for 2012

presented by Rebecca Peters, Director of IANSA, UK

It feels like it was yesterday that I was addressing this same assembly, in July 2001, during the conference that adopted the UN Programme of Action on small arms and light weapons. Today, five years later, we are again gathered here to reflect on progress and challenges, and to set the course for action in the next phase of the UN process on small arms control.

Five years ago governments adopted the UN Programme of Action after some very tough discussions. I would like to take a minute to look back at what has been achieved in the five years of implementation, given that it is the PoA which has brought us together at this conference. I think we can all be proud: a lot of ground has been covered and space has been created to discuss a range of issues. Most States have set up institutions to examine the multiple facets of the illicit trade in small arms and light weapons. Many countries have undertaken reviews of their national legislation and some 70% of States have also reported on their national firearms legislation at the two Biennial Meeting of States, firmly embedding this issue into the UN process. Small arms control is increasingly being implemented as part of development programming and poverty reduction plans. Numerous regional agreements have been drafted and adopted to control arms transfers, brokering activities or

to set criteria for regulating access to guns by civilians. Weapons collection and destruction programmes have been implemented and linkages are being made between small arms control and security sector reform.

Civil society too can be proud of its contribution to this process. IANSA has grown into a network representing over 700 NGOs in 100 countries. We have assisted governments and international organisations in their implementation efforts, have carried out research to document the human cost of small arms, have tested approaches and interventions to reduce gun violence and are constantly incorporating the lessons we learned into our work. We have also played an important role in developing basic principles to guide international arms transfers, an issue on which we hope to see progress during this conference.

However, if the Programme of Action is what brings us here today, our responsibility goes far beyond this document. We are accountable to our countries and organisations, but most of all we are accountable to the millions of people who are affected daily by gun violence, those who have died, and those who will die, and the many more who survive gun violence and have to learn to live with its legacy of trauma, pain, physical scarring and economic hardship. It is on their behalf that we are gathered here today. That is an immense responsibility. Let us not forget the human face of gun violence because these are the people, at the end of the day, whose fate we have in our hands.

It is very humbling for me to be speaking during this session alongside people who have actually survived gun violence. Listening to their voices and hearing their stories always reminds me of our ultimate goal. I think this is particularly important during this conference when we can

IANSA

Personal testimony

presented by Mary Leigh Blek, Million Mom March

Today is an anniversary for me. Twelve years ago today (the Friday before the American 4th of July holiday), my husband Charlie and I travelled across the country from California to New York City, to identify and claim the body of our son Matthew. Matthew, who was 21 years old, had been shot dead by young teenage robbers, wielding a firearm that had likely been bought in the south of the USA, in one of the states where guns are easy to obtain because of permissive gun

laws. Sadly, a parent claiming the bullet-riddled body of their loved one is a daily scenario in cities across the world.

I am proud that my country has committed itself to implementing the UN Programme of Action. However, it is important for me to tell you that most of the positions taken so far by the US at this conference do not represent the values of my family, nor do they represent the values and opinions of the majority of the citizens of the US. Most Americans would support commonsense agreements and regulations of small arms to save the lives of children and young people around the globe and at home.

I want to thank each and every one of you for the work you have done in your own country and for your diligence at this conference.

Something new has happened in my life since I addressed this Conference in 2001. We have a precious two-year-old granddaughter, Kathryn Ann.



get frustrated at the slow pace of progress, the difficulty of finding common ground and of setting priorities. You will listen to the stories of Xavier and of Shelley and of other survivors of gun violence and I hope that you will be reminded of what the illicit trade in small arms and light weapons in all its aspects actually means. This is a real problem, not an academic exercise. And it is in our power to do something about it.

IANSA has identified five areas that we feel need to be prioritised, which my colleagues will explore in further detail. The four thematic areas are transfer controls, national firearms legislation, linkages to development and assistance

to survivors of armed violence. The fifth area relates to follow-on mechanisms. This is, in fact, the third reason we are gathered here: we need to look ahead and set the programme of work for the next six years of action on the issue of small arms; follow-on mechanisms are not a boring procedural issue. They are what will enable us to fulfil our vision of what the state of the world should be like in 2012 when it comes to controlling small arms and light weapons.

IANSA's vision for 2012 is quite clear. We want to see a world where fewer people will die and be hurt and traumatised by ill-gotten weapons. We want to see a world where survivors of gun violence will be taken care of and given a real chance to reconstruct their lives. We want to see a world where adequate controls will exist on the sale, use, possession, stockpiling and transfer of small arms and light weapons. We want to see a world where armed insecurity will be systematically included in development programming and understood to be a premise to sustainable development.

Can we achieve this by 2012? Yes, we can. The Secretary-General stated in his opening speech that the United Nations stood ready to support states in this endeavour. Well, so does civil society. IANSA's 700 members stand ready to work alongside governments and international organisations to further implement the Programme of Action and the recommendations to be issued by this Review Conference. Although it is your responsibility to ensure that action is taken, we are ready to offer you our expertise and energy to make this vision a reality. There is a lot to do, but I believe that if we, as civil society work together with governments, we will be able to turn the tide on gun violence.

Thank you. ●



Nobuaki Tanaka, Under-Secretary-General for Disarmament Affairs, left, Irene Khan, Secretary-General of Amnesty International, Rebecca Peters, Director of the International Action Network on Small Arms and Kofi Annan, Secretary-General of the UN. UN photo (by Eskinder Debebe).

One day I will have to tell Kathryn Ann about her Uncle Matthew and what happened to him. I want to tell her about the love we had for this wonderful, bright and loving young man. And I want to tell her about this conference of people who came from all over the world to New York to make a difference in assuring that the lives of our young people around the globe will live to know the joy of being a grandparent.

All of us in this room are aware of the tragic stories that happen because of the proliferation of small arms and their diversion into the illicit market - 1000 deaths a day. Because we share this knowledge, I ask: is there not a moral obligation imposed upon each of us to do all we can do to prevent small-arm deaths?

This life-saving conference began five years ago. We now need to review and measure our progress and then we **must** continue, for **our work is not done!** Please provide the mechanisms in this forum to keep addressing such critical

issues as development, human rights, children, gender and survivor issues.

New, innovative and exciting technologies are surely on the horizon that will greatly help to curb the illicit trafficking and these must be incorporated.

I say we owe it to Kathryn Ann and to all our children to continue our work.

It is my love for Matthew, and my hope for Kathryn Ann to live in a safer world, that emboldens me to plead with you to carry on with the UN Small Arms process until all lives are safe from small arms violence.

As I tell Kathryn about Matthew, it is with great hope that I will tell her that the whole world came together at the United Nations and did their very best to ensure that another uncle or loved one would not die such a death. And we were successful.

Thank you. ●



Photo by Tim Barmister



FAIR Trade Group remarks

presented by Mark Barnes, Attorney at Law

Thank you for the opportunity to speak before you at the conference today. My name is Mark Barnes and I am an attorney as well as a registered broker under United States law. I represent the FAIR Trade Group, a US trade association comprised of businesses involved in the legal import and export of firearms across international boundaries.

Our membership is concerned with the enactment of overly broad international regulatory programs that unnecessarily and adversely impact the legal trade in small arms and light weapons instead of focusing on reducing the illicit trade in small arms and light weapons. In this regard, the definitions currently utilised by the international community when referring to small arms and light weapons do not adequately distinguish between civilian and military firearms. Any policy that is considered should generally be aimed toward fully automatic military firearms; that is, firearms that continuously fire so long as the trigger is depressed and held. In other words, machine-guns.

The definition of brokering must also be carefully considered. The ITAR (International Traffic in Arms Regulations), the regulatory regime in the US, was recently amended to change the definition of brokering activities to include one or more predicate acts. By making it clear that simply one act, such as the financing of a defense article, constitutes brokering under US law, and further, by these same regulations, stating that foreign persons "subject to US jurisdiction" are captured by brokering, you can see that a wide variety of people and conduct can be subject to regulation. Is such a model really necessary at the international level and cost effective in attempting to curtail potential core problems in the small arms trade? I think not and urge that future UN work in this area recommend actions which are narrowly tailored to a specific problem area.

This brings me to my next point. We must have a careful discussion of multi-jurisdictional overlap. For example, current US brokering law extends US jurisdiction very broadly. If Nations extend their jurisdictions in an overbroad manner, brokers will not be able to conduct transactions due to the sheer number of countries claiming jurisdiction over the broker's conduct. A broker should only be subject to the jurisdiction of the Nation of which he is a national or the Nation in which he is truly conducting brokering business.

Additionally, I would like to give my thoughts on the basis for establishing brokering norms. Before any norms can be established, it is essential that there is a basis upon which such a norm can be built. To create successful brokering norms within any Nation, there must be effective import and export regimes established in each Nation involved in the shipment, transportation and receipt of firearms. Currently, too many Nations have weak or non-existent import and export laws. Addressing this issue before pursuing further brokering norms is key to the success of eliminating the illicit trade in small arms and light weapons.

While some believe that brokers are the primary force behind the movement of firearms, in most cases they are merely the facilitators of sales transactions between two interested parties already governed by the laws of the sending and receiving States. Therefore, brokering norms should be focused on who is able to facilitate a transaction instead of how the firearms themselves are being moved. The movement of the firearms is typically handled by the underlying parties to the transaction and is associated with a particular State. Because of this, placing the burden on brokers through the use of brokering norms will not be effective if the underlying import and export controls of each individual State are the source of the regulatory concern.

When the preliminary step of improving the import and export regimes in each Nation is accomplished, then brokering norms may be considered. Certain difficulties must be avoided though, if they are to be effective. First, the brokering norms must be reasonable. Additionally, they should not interrupt or interfere with the legal trade in small arms and light weapons, both military and sporting in nature. This necessitates that the definition of a brokering transaction be narrowly tailored to ensure that a transaction is defined as an actual transaction rather than, for example, the mere discussion of a possible future transaction.

I ask that the Group of Government Experts on brokering give serious attention to these issues during their fall meeting. I recommend that they look at the precursor steps of establishing effective import and export norms within individual States before attempting to recommend international brokering norms.

Thank you, Mr President for the opportunity to make these remarks. ●

The UN Small Arms Control Process: What if this is as good as it gets?

by Stephanie Koorey

This article has also been published in *Security Challenges*, vol. 2, no. 2, 2006, pp.1-7, Kokoda Foundation.

Despite the best endeavours of certain members of the entertainment industry, the world in 2006 appears as blighted by wars, poverty and corruption as it ever was. Development and humanitarian agencies, both government and non-government, have battled against seemingly endemic disasters for the world's unfortunate for decades now. Compassion fatigue set in years ago, as the pitiful images of starving children in tent cities on news footage and on development agency donation slips stopped tugging at heartstrings and bank accounts. As the Millennium Development Goals loom ever closer, reminding governments of their commitment to 'eradicate extreme poverty and hunger' and 'achieve universal primary education' and six other reasonable ideals by 2015,¹ governments and non-government organisations alike have come to look for new reasons why the global outbreak of peace and prosperity continues to evade so much of the developing world. And they think they may have found it. At about a metre long, and a nimble few kilos in weight,² the standard assault rifles of the world's armed forces are now ubiquitous in the subterranean conflicts across Africa, the Middle East, Central, South and Southeastern Asia and Latin America. Weapons designed for and by the Eastern and Western blocs of the Cold War era, and exported by the tonne to bolster Third World governments, or bring them down, are now in the hands of rampaging teenage gangs, used in organised and random acts of crime, and at the ready disposal of those taking up arms against the state. For governments, the unnerving reality is that the state's previous monopoly on the threat or use of force has been undermined, if not eradicated, paradoxically by the very weapons meant to uphold it. For humanitarian and development agencies, often also funded by states (or at least voters), the plague of small arms accounts for so many ills encountered in delivering aid and emergency programmes.

Absolute figures remain impossible to calculate, but best estimates place the numbers of small arms worldwide at around 639 million.³ Not quite as alarming as it sounds, as most of these are legitimately owned by enthusiastic hunters and sporting shooters in North America and Europe.⁴ State armed and police forces account for around 40%, and perhaps most surprisingly, less than one percent (an estimated one million small arms) appears in the hands of "Non-state Actors".⁵ This however is the demographic taking up arms against the state, facilitating personal fiefdoms, and contributing to the criminalised violence that is the hallmark

of much contemporary conflict. These conflicts are also often protracted, or at least peripatetic, largely due to the prevalence of small arms and light weapons.

The United Nations Panel of Experts Report from 1997 notes how even "a small number of weapons can be destabilizing".⁶ Indeed, "[M]easured by their results, even small rebel arsenals are of disproportionate importance."⁷

The development issues and public health aspects of small arms availability and misuse concern a great number of government and other international agencies, as well as non-government ones. The security issues it raises are of increasing concern to security analysts and policy makers. But the compelling question is just how did so many Warsaw Pact and NATO weapons end up in the hands of civilians-turned-combatant in the developing world? Taking a different tack to the likes of U2's Bono and Sir Bob Geldof, March this year saw the Australian release of the Nicolas Cage gunrunning pic *Lord of War*.⁸ It should be astounding that many of the scenarios depicted in the movie are based on fact. Huge shipments of former Soviet weapons with falsified documents did indeed get flown into embargoed countries and delivered to men of dubious character and with even more dubious remit to govern. Fear of the 'domino effect' of countries across Southeast Asia falling to communism saw the United States transfer literally hundreds of thousands of small arms and light weapons and ammunition to South Vietnam, Laos and Cambodia, much of which was simply left behind after 1974.⁹ Chinese and Eastern bloc weapons were transferred to leftist governments and China at least supported regional communist parties though arms transfers.¹⁰ Wars and insurgencies simmer on for decades as automatic rifles take years to wear out; all that's needed to keep revolutions and insurrections going is determination and ammunition. Minor wars can quickly turn into genocidal or criminalised carnage through the influx of foreign weapons. Pol Pot's Kampuchea for example.

Compact, durable and reusable, small arms and assault rifles in particular, from that conflict and others in Indochina continue to circulate in Southeast Asia today. Weapons left behind by US forces departing Vietnam even found their way as far afield as Honduras.¹¹ Many of the weapons ending up in the region's enduring intra-state conflicts come from older wars facilitated through the Thai black market.¹² The black market in arms adapts to vacillating supply and demand dynamics, varying risk factors and localised conditions including law enforcement, therefore the prices of weapons vary enormously, and can reap considerable profits for the gunrunners. A Kalashnikov type bought in Egypt for US\$500 and smuggled into the Palestinian disputed territories in 1999 was said to fetch a street price in Gaza of US\$2,500.¹³ ►



In Thailand, prices for weaponry being purchased by an Armed Group in 2003 were averaging just over US\$200 for a used automatic rifle and ammunition could be bought for around US 25c per bullet.¹⁴ Newer weaponry is often available, through what the literature refers to as 'leakage'; essentially corruption, ineptitude or theft, from government stockpiles and armouries.

As the 'high politics' of the Cold War gave ground to the 'low' politics or 'human security' issues in the 1990s - the International Campaign to Ban Landmines for example - governments started gathering data on small arms and light weapons. What arms were where, how they got there, and what problems this was creating led to several Panels of Experts in the late 1990s, a UN Conference in 2001 and both interstate and regional follow up meetings. From 26 June to 7 July of this year, the UN basement in New York will have bustled with a major Review Conference (RevCon) of the process and progress to date. Non-Government Organisations (NGOs) and Governments came together to consolidate the key political process on small arms control known as the UN Programme of Action (UN PoA).¹⁵ The PoA is principally concerned with the illicit small arms market, and identified a number of initial measures to do so, including black market trafficking, enhanced controls to prevent the diversion from licit to illicit markets, post-conflict weapons collection and destruction, and transparency and cooperation measures.¹⁶ The small arms control process is predicated on three key themes: firstly that small arms (mainly firearms) are ubiquitous; secondly that they cause a disproportionate amount of damage to humanity; and thirdly, that controls must be enacted with haste.

Prior to this year's RevCon, last July's Biennial Meeting of States on the PoA, the Programme confirmed itself as a controversial political process. The subject matter, the process and the agendas of various civil society interest groups continue to dog progress in implementing of the Programme, at times making the event almost appear to be working at cross purposes. For example the arms control NGOs, coordinated through IANSA,¹⁷ confused delegates by showing a presentation on machete victims, leaving its main adversary, the US National Rifle Association which represents the interests of sporting shooters and self-defence advocates, wondering if IANSA was re-visiting the definition of small arms that had been established eight years before. IANSA failed to take the opportunity to elaborate its position on small arms availability and misuse, instead spending most of the morning session pointing out to delegates that being shot is unfortunate and largely preventable, and that firearms can be used coercively. This told the conference nothing new, and many considered the presentation to be unhelpful.

At this year's Review Conference, a time when the PoA's core goals remained unconsolidated, IANSA took an entirely new approach, and set about raising new issues into the debate. Not only topics currently outside of the PoA's remit, they include two highly contentious ones at that: the

issues of arming Non-State Armed Groups and the civilian ownership of firearms.

IANSA obviously enjoys a challenge; it would be difficult to find two topics closer to the heart of the United States' government. It has long been part of US foreign policy to transfer arms in what it sees at the time as its national interests, or for overwhelming humanitarian reasons. 'Irangate' may be the most infamous example.¹⁸ Further, the Second Amendment to the US Constitution permits the use of firearms for personal defence, upheld and promoted by a number of groups including the influential National Rifle Association noted above. John Bolton, then Under Secretary of State for Arms Control and International Security Affairs, told the Conference in 2001:

We do not support measures that prohibit civilian possession of small arms... We do not support measures limiting trade in SA/LW solely to governments... Violent non-state groups at whom this proposal is presumably aimed are unlikely to obtain arms through authorized channels... Perhaps most important, this proposal would preclude assistance to an oppressed non-state group defending itself from a genocidal government. Distinctions between governments and non-governments are irrelevant in determining responsible and irresponsible end-users of arms.¹⁹

The Non-State Armed Groups that the small arms control community has in mind are the de-socialised gangs that set up terrorising fiefdoms, illegally take over countries and run subterranean economies that feed back into the conflict. Groups such as the rampaging Lord's Resistance Army in Uganda, and the organised drug cartel of the FARC in Colombia for example. Such groups wield disproportionate power and operate with a chilling impunity.

It is suggested that civilian ownership is a major point of diversion for firearms to leak into the black market, and thus potentially misused in homicides and suicides and the pursuit of crime.²⁰ The "firearms community", referred to by IANSA as the "gun lobby", refutes that civilian owners are so universally irresponsible, and fear their sport and their members are in danger of being criminalised by diplomats and bureaucrats.

However, refocussing an already cumbersome and voluntary process onto two more contentious areas before it has even begun to consolidate its agreed-upon process, may well lead to it becoming even more arduous and less likely to be fulfilled. Even if the small arms control community succeeds in getting agreement on global norms to prohibit the supply of small arms to Non-State Armed Groups (which seems highly unlikely), what would this mean for embattled and embittered groups fighting for heartfelt, political goals or for cantonments of territory in which to be safe from an oppressive central government? Groups such as the Karen National Liberation Army (KNLA), now almost sixty years into its struggle against the Burmese government, and whose plight only rarely makes the headlines. The KNLA sees itself as protectors of the ethnic Karen people, and abuses



against the Karen by the Burma Army are well documented.²¹ A major Burma Army offensive in May this year displaced thousands more Karen. Moves by the international community to prevent the KNLA from getting arms would probably have little effect in tangible terms, as they already reuse decades-old firearms and utilise homemade landmines. Much of their additional arms and ammunition comes from battle captures and the Thai black market.²² And one could question how effective supply-side embargo-type measures are in any case - there is arguments and evidence that it simply creates a burgeoning underground market.²³ However the political message it sends is quite clear: states are the sole legitimate recipients of weapons of war, and Non-State Groups taking up arms are illegitimate entities. This is disheartening news to those who see themselves as legitimate political forces, driven to taking up arms against a state they consider to be an aggressive invader. It worked for East Timor. And for the Free Aceh Movement.

Throughout the 1990s the human security agenda was powered by Non-Government Organisations and intra-state conflicts that clearly confronted the realist paradigm. Traditional security establishes the state is the sole referent object of security, to be defended against external aggression through the threat or use of armed force. Armed Non-State Actors are neither exogenous to the state nor easily deterred by the threat or use of force. The human security agenda promoted by NGOs focussed attention on non-traditional security; on communities at risk in conflict and the legacies of such, as well as on transnational natural and human-made disasters. Engagement with Non-State Armed Groups was pioneered by the International Campaign to Ban Landmines,²⁴ institutionalised through Geneva Call²⁵ and has become the subject of scholarly debate.²⁶ The small arms control campaigns have also centred on the human cost of uncontrolled small arms proliferation. If however the small arms campaigns distance themselves from engaging with Non-State Armed Groups, and support states in their bid to make such Groups irrelevant, this reinforces the realist tenet of the paramountcy of the state, and may well be undermining the advances made in the human security agenda that NGOs had previously been promoting.

Parallel to the PoA has been the evolution of an Arms Trade Treaty (ATT). Still in draft form, it has defied the cynics and gathered momentum, most significantly from major arms exporting countries in Europe. Australia has given 'in principle' support, while New Zealand and Cambodia are the only states in the Asia-Pacific to make a clear commitment to it.²⁷ Seeking legally binding restrictions on arms transfers for humanitarian reasons, the ATT aims to codify existing international norms and laws into a single document.²⁸

In the meantime, will those in the small arms control community be happy enough with what it sees as lack of progress on factors it considers vital to address? In the existential words of Jack Nicholson in the film of the same name, "What if this is as good as it gets?"²⁹

The Free Aceh Movement in northern Sumatra engaged Indonesian forces in almost 30 years of conflict, yet it was a massive wave from the cauldrons of nature that provided a critical catalyst for peace negotiations.³⁰ Similarly, it was the Asian financial crisis that ultimately resulted in changes to the Indonesian Presidency and a new Indonesian administration that offered East Timor a referendum. Combat fatigue, like compassion fatigue, ultimately remains unquantifiable. Small arms availability and misuse all too often leads to avoidable human, state and regional insecurity. If there is a singular, identifiable vector for peace however, it remains elusive. Any small arms control measures that the international community decides to enact will only provide part of the answer. ●

Notes:

- ¹ See the United Nations Development Programme's webpage on the Millennium Development Goals available at: <<http://www.un.org/millenniumgoals/>>. (Accessed 24 May 2006.)
- ² Weights range from just under or just over 3kg for an unloaded M16 (depending on the model), just under 4kg for unloaded AK Chinese-made variant known as a Type 56 or M22, to an unloaded AK-47 or HK-G3 weighing about 4.3 and 4.5kg respectively; 30 rounds of ammunition weigh approximately 700g for each magazine. See specifications of the firearms in Ian Hogg, *Jane's Gun Recognition Guide*. Glasgow: Harper Collins, 2002, pp.295, 323, 345 (although the weight of the M16 here is incorrect); also the World Guns assault rifle homepage at: <<http://world.guns.ru/assault/as00-e.htm>>. (Accessed 28 December 2005.)
- ³ United Nations, *Report of the Secretary-General to the Security Council on Small Arms*, UN Doc. S/2002/1053, 20 September 2002.
- ⁴ Graduate Institute of International Studies, *Small Arms Survey 2002: Counting the Human Cost*. Oxford: Oxford University Press, 2002, Figure 2.5, "Distribution of known global firearms, 31 December 2001", p.103.
- ⁵ *Ibid.*
- ⁶ United Nations, *Report of the Panel of Governmental Experts on Small Arms*, UN Doc. A/52/298, 1997.
- ⁷ Graduate Institute of International Studies, *Small Arms Survey 2002*, p.83.
- ⁸ Andrew Niccol (Dir.), "Lord of War", 2005.
- ⁹ See Edward C Ezell, *Small Arms Today*. 2nd ed. Harrisburg PA: Stackpole, 1988, pp.440-444.
- ¹⁰ See for example, Martin Smith, *Burma: Insurgency and the Politics of Ethnicity*. London: Zed Books, 1999, pp.228, 229, 248.
- ¹¹ *Ibid.*, *Small Arms Today*, pp.194-195.
- ¹² There are numerous references to this. See for example, Smith, *Burma: Insurgency and the Politics of Ethnicity*, p.100, also Andre and Louis Boucaud, *Burma's Golden Triangle: On the Trail of the Opium Warlords*. Bangkok: Asia Books, 1992, p.57, and Anthony Davis, "Police interdict arms traffic to Aceh". Jane's Intelligence Review, April 2004, pp.5-6.
- ¹³ Craig S. Smith, "Booming Business in Gaza: Tunneling", *The New York Times*, 24 January 2006.
- ¹⁴ Price conversion conducted by the author. Sources are documents in the possession of the author.
- ¹⁵ The United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, often shortened to the UN PoA
- ¹⁶ United Nations, *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, UN Doc.A/Conf.192/15, 2001.
- ¹⁷ IANSA; the International Action Network on Small Arms. See the IANSA home page at: <www.iansa.org>. (Accessed 30 May 2006.)
- ¹⁸ Also known as the "Iran-Contra Affair". In the mid 1980s, the US by-passed Congress and covertly supplied weapons to Iran, then at war with Iraq, in order to gain leverage over Iran who was known to support the Islamist group Hezbollah in Lebanon which was holding US citizens hostage. The monies raised from the sale went to purchase arms for the Nicaraguan 'Contras' who were fighting the country's elected left-wing government.
- ¹⁹ John Bolton, "United States of America Statement". Paper presented at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects, New York 2001.
- ²⁰ See for example, Philip Alpers and Conor Twyford. "Small Arms in the Pacific", *Occasional Paper No. 8: Small Arms Survey*, 2003, pp.17, 19.
- ²¹ See for example documentation by the Karen Human Rights Group at: <<http://khr.org>> and the Free Burma Rangers at: <<http://www.freeburmarangers.org>>. (Accessed 5 June 2006.)
- ²² Documents in the possession of the author; also note 12 above.
- ²³ See for example Michael T. Klare, "The Subterranean Arms Trade: Black-Market Sales, Covert Operations and Ethnic Warfare", in Andrew J. Pierre (ed.), *Cascade of Arms: Managing Conventional Weapons Proliferation*, Washington D.C: Brookings Institution Press, 1997.
- ²⁴ International Campaign to Ban Landmines. *Landmine Monitor Report: Toward a Mine Free World*, Reports 1999-2005, particularly for example, chapters on Burma and the Philippines.
- ²⁵ Non-state Armed Groups can adhere to international humanitarian norms through a forum based in Geneva. See Geneva Call at: <<http://www.genevacall.org>>. (Accessed 5 June 2006.)
- ²⁶ See for example, Claude Bruderlein, "The role of non-state actors in building human security: the case of armed groups in intra-state wars". Centre for Humanitarian Dialogue, May 2000.
- ²⁷ Richard Baker, "Australia Backs bid for Weapons Ban". *The Age*, (Melbourne) 7 July 2005; Nik Kiddle, "Statement by the New Zealand Representative". Paper presented at the Second Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects, New York 2005, p.3 and Oxfam Great Britain Press Release, "Lib Dem leader joins push for Arms Trade Treaty: International Human Rights Day sees UK fall behind on arms control", 10 December 2003.
- ²⁸ See Amnesty International, IANSA and Oxfam International, "Towards an Arms Trade Treaty: Next Steps for the UN Programme of Action". Control Arms Briefing Paper, June 2005.
- ²⁹ James L. Brooks (Dir.), "As Good as it Gets", 1997.
- ³⁰ See Damien Kingsbury, "A Mechanism to End Conflict in Aceh", in *Security Challenges* Vol. I, No. 1 (2005), pp.73-88. In this article the author also addresses the political, economic and military elements that were making resolution to the conflict imperative.



Statement by National Firearms Association (Canada)

presented by Gary Mauser

I am Professor Gary Mauser, [from] Simon Fraser University, in British Columbia, Canada. I am representing the National Firearms Association. For 20 years, as part of my academic program with SFU's Institute for Canadian Urban Research Studies, I have studied Canadian firearms legislation. I will briefly report on my findings.

Mr President, Canada has gone through big changes in the past 15 years. In the 1990s Canada introduced a program to license firearms owners and register sporting rifles and shotguns. Previous firearms legislation had primarily focused on the criminal misuse of firearms as well as controlling handguns and fully automatic firearms.

The former government insisted on introducing this costly system despite contrary advice from the New Zealand government and from experienced Canadian civil servants. The new government, which has recently been elected after a campaign where gun control was central, has now decided to abandon the firearm registry.

It has been demonstrated that the Canadian licensing and registration system is not cost effective and has not reduced crime. Research shows that 71% of firearm licences were found to have errors and over 250,000 guns were registered with the same serial numbers as stolen guns. The Royal Canadian Mounted Police have said they have no faith in the information, and barely more than half of the guns (or gun owners) are included in the registry. The Auditor General of Canada has estimated that the registry has cost taxpayers more than one billion dollars, even though it was originally budgeted to cost only two million dollars. Reviewing the Canadian gun control program, she called it the worst case of cost overrun she has ever seen.

A few statistics demonstrate the ineffectiveness of the Canadian firearm registration system. Since 1998, when firearms were required to be registered, the homicide rate has increased by more than 3%. Despite the outrageous cost of the registry, the percentage of gun homicides has remained fixed at 27%. So with family homicides, where the percentage involving firearms has remained at 23%. Nor did the firearm registry change the proportion of homicide victims who are female (32%) since 1998.

The firearm registry has not saved any lives. While gun homicide numbers are indeed down, the proportion of domestic homicides involving guns has not declined, nor has the homicide rate declined. Instead it has increased. This suggests that crime rates are driven by sociological factors (such as the percentage of youth in the total population, and social conditions) rather than availability of just one method of murder.

Public opinion has reversed. In 1995, surveys showed large majorities supporting the registry; current polls show majorities (as high as 84%) wishing to abandon it as ineffective.

Research shows that 71% of firearm licences were found to have errors and over 250,000 guns were registered with the same serial numbers as stolen guns.

Mr President, the central question is whether this approach to firearm regulation is defective in conception. To answer this question, I examined the success of legislation in a variety of English-speaking countries, some developed, some semi-developed, some undeveloped - including the United Kingdom, Australia, New Zealand, the Republic of Ireland and Jamaica.

I could find no evidence that blanket gun regulations, even firearm prohibitions, contributed to a reduction of criminal violence in any of these countries. Firearm prohibitions failed to reduce criminal violence in both Jamaica and the Republic of Ireland. My results offer no support for those who advocate blanket gun laws.

I conclude by asking the General Assembly to reject the siren song of the anti-gun NGOs, Mr President. The campaign to impose blanket prohibitive gun regulations is contrary to a growing body of research showing that in a wide variety of countries, arms prohibition does not contribute to lowering criminal violence.

There is a danger the UN will lose further trust and credibility around the globe and ultimately take part in the prolongation of poverty, misery and the lack of prospect of entire peoples, by mistakenly directing its attention towards private gun ownership. ●