



Small Arms and Light Weapons

2001 UN Conference on Small Arms and Light Weapon in All Its Aspects



Program of Action

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The Problem

- “*Gravely concerned* at the illicit manufacture, transfer and circulation of small arms and light weapons and their excessive accumulation and uncontrolled spread in many regions of the world, which have a wide range of humanitarian and socio-economic consequences and pose a serious threat to peace, reconciliation, safety, security, stability and sustainable development at the individual, local, national, regional and international levels,”
- “*Recognizing* that the illicit trade in small arms and light weapons in all its aspects sustains conflict, exacerbates violence, contributes to the displacement of civilians, undermines respect for international humanitarian law, impedes the provision of humanitarian assistance to victims of armed conflict and fuels crime and terrorism,”



The Problem

(Continued)

- Significant quantities of surplus military small arms and light weapons are falling into the hands of states, organizations, and individuals and are being used by them for other than legitimate or lawful purposes.
- It is important to emphasize that the real problems are caused by surplus military weapons. Civilian weapons are not a significant part of the problem.



General Comments

- The Program of Action:
 - Targets the illicit trade
 - Is the culmination of regional efforts
 - Is a politically-binding agreement
 - Addresses national, regional, and international activities



Definition

- The Program of Action does not define the term “small arms and light weapons”
- Definition intentionally omitted to allow for wide interpretation of the agreement
- Widely accepted definition comes from the 1997 UN Group of Experts Report.



UN Group of Experts Definition

- The small arms and light weapons which are of main concern are those which are manufactured to military specifications for use as lethal instruments of war
- **Small Arms** are broadly categorized as those weapons intended for use by individual members of armed or security forces. They include revolvers and self-loading pistols; rifles and carbines; sub-machine guns; assault rifles; and light machine guns.
- **Light Weapons** are broadly categorized as those weapons intended for use by several members of armed or security forces serving as a crew. They include heavy machine guns; hand-held under-barrel and mounted grenade launchers; portable anti-aircraft guns; portable anti-tank guns; recoilless rifles; portable launchers of anti-tank missile and rocket systems; portable launchers of anti-aircraft missile systems; and mortars of calibres less than 100 mm.



Laws and Regulations

- Not all countries have laws and procedures to control small arms and light weapons and a number of countries that have laws do not enforce them
- Program of Action raises the bar on acceptable behavior
 - commits countries to put into place and enforce laws and regulations to exercise control of the production, export, import, transfer or retransfer of small arms and light weapons to prevent illegal manufacturing, illicit trafficking, or diversion to unauthorized recipients
- U.S. has the best legal and regulatory practices in the world. Therefore, there will have to be no changes in existing law to comply with Program of Action



Marking and Tracing

- Requires manufacturers to apply appropriate and reliable marking on each weapon as an integral part of the production process
- Marking should be unique and identify the country of manufacture and serial number
- To enable authorities to identify and trace each weapon
- To adopt and enforce measures to prevent the manufacture, stockpiling, brokering, transfer or possession of unmarked or inadequately marked small arms and light weapons



Record Keeping

- Comprehensive and accurate records, kept for as long as possible
- Maintained in such a way as to facilitate inquiry by appropriate authorities
- Puts onus on governments to assume greater accountability for their stocks of small arms and light weapons
- Designed to ensure that appropriate government authorities facilitate international law enforcement inquiry and cooperation in a timely manner



Brokering

- Illicit brokering has been identified as a major source of diversion of small arms and light weapons into the wrong hands
- Program of action promotes regulation of brokering activities to prevent illicit transfers, but not to impede legitimate brokering activities by
 - registration of brokers,
 - licensing and authorization of brokering transactions
 - criminal action against illegal brokers or brokering activity in a country's jurisdiction
- Requires countries to take appropriate measures, including all legal and administrative means, to enforce UNSC arms embargoes as a key instrument in preventing diversion of weapons to undesirable recipients.
- The U.S. is one of the few countries that has strong brokering laws and that criminalizes breaking UNSC sanctions



Stockpile Management

- The Program of Action suggest regular reviews of government stocks to identify surplus weapons
- Promotes stockpile security standards including:
 - Identifying appropriate locations
 - Implementing appropriate physical security measures
 - Controlling Access
 - Practicing adequate inventory management
 - Conducting staff training
 - Implementing sanctions for Theft
 - Conducting routine surplus reviews
- USG practices exceed these standards -- no changes required for implementation



Destruction

- Promotes destruction of surplus and unmarked or inadequately marked weapons
- IAW the UN Small Arms and Light Weapons Destruction Handbook (S/2000/1092)
 - Handbook based on U.S. military standard
- Requests countries, in a position to do so, to provide technical assistance
- U.S. has an active program to provide technical and financial assistance in assessing stockpile security and for destruction, on a bilateral basis



Post Conflict Programs

- Support moratoria on small arms and light weapons manufacturing and transfer in effected regions
- Establish regional mechanisms to facilitate trans-border customs cooperation and establish networks for information sharing among law enforcement, border, and customs control agencies.
- Conduct regional action to introduce, adhere, implement and strengthen laws, regulations, and administrative procedures to deal with the problem
- Support national disarmament, demobilization and reintegration of ex-combatants
- Enhance transparency measures between countries within the region



Implementation

- Recommends several initiatives to implement the political commitment undertaken in this agreement including:
 - Technical and financial assistance
 - Share resources and information on the illicit trade
 - Capacity-building in development of legislation, law enforcement, tracing and marking, stockpile management and security, destruction
 - Information exchange on policies, procedures, experience, and training
 - Cooperation in developing advanced technology to facilitate tracing and detection of illicit trafficking



Conference Follow Up

- Biennial implementation meetings
- Review conference no later than 2006
- Conduct a UN study on the feasibility of developing an international instrument to enable states to identify and trace in a timely and reliable manner
- Consider further steps to enhance international cooperation to combat illicit brokering



The Future

- The international community will continue to exert pressure on U.S. to restrict civilian possession/ownership of small arms
- There will be intense scrutiny on U.S. transfer recipients because of objections to non-state actor restrictions
 - Latin America and Africa will continue to push to restrict sales and transfers to governments only in all fora
- Many States, including many of our allies, will continue lobbying for international regulation on the legitimate trade in small arms and light weapons



The Future

(Continued)

- Potential of legally binding negotiations on marking, tracing and brokering in the future
 - Feasibility studies described in the Program of Action will shape the character of these negotiations
- Implementation of UN Firearms Protocol and regional legally-binding agreements.
 - There will be increased public pressure to ratify the UN Firearms Protocol and the OAS Convention
- Small, but persistent, contingent of states will continue to push to expand the definition of small arms and light weapons to include ammunition and explosives



Why Should Industry Care?

- This is the first step in an evolving process to institute global controls on the production, ownership and transfer of small arms and light weapons
- U.S. laws will not change, but import/export and production regulations in other countries may change in response to the Program of Action and the UN Firearms Protocol
- A future legally-binding agreement on marking and tracing could impact manufacturers
- As political momentum on the issue of small arms and light weapons increases, industry is going to become a target of growing international political pressure



On the Other Hand

- Pressure may be reduced as other countries realize that domestic ownership and possession is a domestic matter
- The Program of Action will have an impact on the problem
- The Manufacturer's Advisory Group has recommended industry self-regulation.
 - Standards for marking
 - Record keeping practices to facilitate tracing
 - Transparency for marking standards and information available for public scrutiny on the manufacture, the marking of weapons, transfers and procurement of small arms
 - Transfer criteria to address the humanitarian concerns associated with small arms and light weapons, such as violation of international law, genocide and acts of aggression or interference in internal affairs of states