

Small Arms and Light Weapons in the Security Council: Toward a New Humanitarian Calling*

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The adoption of the 2030 Sustainable Development Agenda by the United Nations in 2015 marked a new paradigm in that it included the economic, social and environmental aspects of development, while Target 4 of Sustainable Development Goal 16—the promotion of peaceful societies—is to significantly reduce illicit flows of weapons by 2030 and fight all forms of organized crime.

This roadmap, in whose design Mexico played a major role, makes it crystal clear that peace cannot exist without development or development without peace, reason why the treatment of trafficking in small arms and light weapons by the main UN organizations is deserving of analysis, over and beyond how the issue is dealt with by specialized forums. One such organization is the Security Council, since significantly reducing illicit flows of weapons in the world is a matter of peace and security, both national and public. However, as a conditioning factor in development¹

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¹ See World Bank, *World Development Report 2005: A Better Investment Climate for Everyone*, Washington D.C., World Bank, 2004; Security Council, “Small Arms and Light Weapons. Report of the Secretary-General,” S/2017/1025, December 6, 2017; *Id.*, “Small Arms and Light Weapons. Report of the Secretary-General,” S/2019/1011, December 30, 2019.

and human rights,² in the last quarter of a century this issue has also appeared on the agendas of the Economic and Social Council (ECOSOC), the Human Rights Council and the world's highest forum, the United Nations General Assembly.³

This analysis, which, due to space constraints, will focus on the Security Council, is based on the cross-cutting approach of the 2030 Agenda as a universal and comprehensive plan of action with 17 goals that apply to all Member States. Far from overlapping functions between one organization and another—as could potentially occur with “securitizing”⁴ development—, this approach admits the inclusion of the human element—the guiding principle of the 2030 Agenda—in Security Council matters that have a humanitarian impact, as is the case with illicit flows of weapons.

Furthermore, it makes it possible to identify common ground between different approaches, and synergies between the various dialogues and international legal instruments⁵ on illicit trafficking in small arms and light weapons. The goal is to prompt a grassroots movement that compels our governments to better regulate small arms and light weapons, by acknowledging their

² The Human Rights Council has adopted a series of resolutions on the impact of transfers of small arms on human rights (24/35 in 2013, 32/12 in 2016, 41/20 and 41/22 in 2019) and the use of firearms by civilians (26/16 in 2014, 29/10 in 2015, and 38/10 in 2018). Mexico has promoted and co-sponsored several of these in its capacity as a member of the Human Rights Council in 2006-2009, 2009-2012, 2014-2016 and 2018-2020.

³ ECOSOC reviews the reports of the United Nations Office on Drugs and Crime. Likewise, the Third Committee of the United Nations General Assembly discusses the repercussions on human rights, and the First Committee aspects of disarmament and regulation, over and beyond the general debates within the Assembly's plenary, where the decisions of the Human Rights Council are endorsed.

⁴ Under this approach, items become “security issues” at a given moment in time. See Matt McDonald, “Securitization and the Construction of Security”, in *European Journal of International Relations*, vol. 14, no. 563-587, December 2008, available at: <https://ir101.co.uk/wp-content/uploads/2017/11/mcdonald-securitization-and-the-construction-of-security.pdf> (date of access: March 13, 2020).

⁵ Such is the case of International Small Arms Control Standards (ISACS) and International Ammunition Technical Guidelines (IATG); legally binding instruments like the Firearms Protocol and the Arms Trade Treaty; and non-binding instruments like the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons (PoA) and the International Tracing Instrument (ITI) to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons.

obvious capacity for mass destruction and their subsequent humanitarian impact. However, before analyzing Security Council debates on the issue, it would be enlightening to take a look at some recent figures on this hidden scourge, in some cases overlooked and in others, evaded by major producer countries. These global figures, which are highest in the cases of Africa and Latin America and the Caribbean⁶, should foster a shared view of the problem that supports the strategy implemented by the Ministry of Foreign Affairs (SRE) to put a stop to illicit flows of arms into Mexico.

According to 2017 estimates, there were approximately one billion small arms and light weapons circulating in the world. Of these, 74% were in the hands of civilians, not security forces.⁷ By 2019, this figure had risen to 85%, surpassing the number of weapons in the possession of the military and law enforcement combined.⁸

Every year, small arms and light weapons cause the death of more than 740 000 people worldwide, 90% of whom are killed outside areas of armed conflict.⁹ This figure is alarming when we learn that between 2010 and 2015, guns were responsible for 200 000 deaths a year on average worldwide and were used in almost half of violent deaths, while the number of deaths increased more than threefold by 2017.¹⁰

It should therefore come as no surprise that, in his 2017 report to the Security Council, the U.N. Secretary-General underscored the fact that small arms and light weapons are responsible for a substantial portion of deaths in conflicts and homicides in post-conflict situations, which often surpass

⁶ Latin America is home to 42 of the 50 most violent cities on the planet and has a homicide rate of 36%—the highest in the world. In 66% of cases, these homicides were committed using guns. See Christopher Woody, “400 Murders a Day: 10 Reasons Why Latin America is the World’s Most Violent Place,” in *Business Insider*, September 10, 2019, at <https://www.businessinsider.com/latin-america-is-the-worlds-most-violent-region-crime-2019-9> (date of access: February 25, 2020).

⁷ See Security Council, S/2017/1025.

⁸ See Security Council, S/2019/1011.

⁹ Gergerly Hideg and Anna Alvazzi del Frate, *Darkening Horizons. Global Violence Deaths Scenarios, 2018-30*, Geneva, Small Arms Survey (Briefing Paper), May 2019, at <http://www.smallarmssurvey.org/fileadmin/docs/T-Briefing-Papers/SAS-BP-Violent-Deaths-Scenarios.pdf> (date of access: February 2, 2020).

¹⁰ See Security Council, S/2017/1025, 2.

deaths in actual armed conflicts. Meanwhile, in most countries, the use of such weapons has become commonplace among civilians and in acts of urban criminal violence.¹¹

The Secretary-General's 2019 report to the Council reinforces the arguments put forward here: "To the extent that armed conflicts increasingly move away from open battlefields and toward villages, towns and cities, the humanitarian consequences increase exponentially. Over 50 million people are affected by conflicts in urban zones." Since 2017, the report states, global military spending has continued to increase, to stand at US\$1.7 billion or US\$227 per capita today—its highest level since the fall of the Berlin Wall. The Secretary-General proceeds to invite States to oversee firearms exports more closely, including exports of small arms and light weapons and their ammunitions, and properly assess the associated risks in compliance with international law.¹²

The debate on small arms and light weapons: from armed conflict to organized crime

The ravages of the world wars of the 20th century prompted the United Nations to focus on strengthening international humanitarian law as it applies to armed conflicts and post-conflict situations, based on the Geneva Conventions of 1949 and their protocols. Yet in the 21st century, we have made little progress protecting our societies from escalating armed violence in situations removed from armed conflict¹³ from which no one is immune. Today, there can be no denying illicit trafficking in light weapons exacerbates both historical and emerging challenges: armed conflicts and internal conflicts between non-government actors,¹⁴ and the activities of organized

¹¹ *Idem.*

¹² See Security Council, S/2019/1011, pp. 4-5.

¹³ Different degrees of conflict are defined: "community violence," post-conflict situations or situations prone to conflict. See Security Council, S/2017/1025.

¹⁴ As established in the traditional definition of the Geneva Conventions of 1949 and their additional protocols.

criminal groups—by increasing their firepower—, not to mention incidents involving the use of restricted firearms by civilians.

It was not until 1999 that the Security Council began discussing the devastation caused by small arms and light weapons, ammunitions and explosives following the first statement by its then president, which, in turn, produced the first report on the situation of such weapons in 2000.¹⁵ This debate, under the Security Council's mandate to safeguard international peace and security, was, in turn, prompted by the first resolution issued on the subject by the 1996 General Assembly.¹⁶

Of all the Security Council documents on small arms and light weapons, those most deserving of mention are the Secretary-General's reports, due to the role they have played in raising awareness of the problem, especially among the Council's permanent members, who are major arms producers. These reports analyze global statistics and suggest better practices for handling such weapons, like the 2017 report that revisits 48 recommendations from past reports on the Council's more traditional affairs, like peace maintenance operations and arms embargos, and emerging topics like the management of stockpiles, armed and gender violence.¹⁷

The 2017 report concludes by acknowledging that poorly regulated small arms prolong conflicts and that tighter regulations and controls are needed to

¹⁵ The President of the Security Council issued statements on small weapons in 1999, 2001, 2002, 2004, 2005 and 2007. The Secretary-General submitted reports on small weapons to the Security Council in 2000, 2002, 2003, 2004, 2005 and 2006, and biennially since 2008; in addition to two notes in 2003 and 2007. Weapons such as these were first mentioned in the "Secretary-General's Report to the Security Council on the Protection of Civilians in Armed Conflicts", S/1999/957, September 8, 1999, mandated by Resolution S/RES/1265 (1999). See "Statement by the President of the Security Council", S/PRST/1999/28, September 24, 1999.

¹⁶ Section L of Resolution A/RES/50/70 of 1996 included small firearms, as did Resolution A/RES/51/45 of 1997. However, it was not until 1999 that the Assembly issued three resolutions to curb the circulation of illicit small arms and trafficking in them (A/RES/54/54, sections J, R and V); and two more in 2000 (A/RES/55/33, sections F and Q), along with decision A/DEC/55/412. More resolutions on small arms and light weapons were issued in 2002, 2003, 2004, 2006, 2007, 2009, 2010, 2011 and the following years. United Nations Conference on the Illicit Trafficking in Small Arms and Light Weapons in All Its Aspects, "Other documents", at <https://www.un.org/es/conf/smallarms/otherdoc.htm> (date of access: March 19, 2020).

¹⁷ See Security Council, S/2017/1025.

reduce armed violence. It calls for the ratification of the Arms Trade Treaty (ATT), in force since 2014, and regional agreements, and for the Council to maintain continuous oversight of the unauthorized use and excessive and destabilizing stockpiling of such firearms, including their ammunitions, both in situations of conflict and post-conflict.¹⁸

The December 2019 report extends the analysis to generalized crime and illicit transfers of small firearms, labeling them a fundamental instrument of violence with “far-reaching humanitarian effects”, due to their wide availability and impact on peace and security, sustainable development, health, children and youths, terrorism and humanitarian actions.¹⁹ It also revisits the new Agenda for Disarmament launched by the Secretary-General in 2018 and whose second pillar, “disarmament that saves lives”, seeks to mitigate the effects of conventional firearms—including small arms and light weapons—on the humanitarian level. To this end, a trust fund²⁰ was set up to tighten controls over these types of weapons on a national, sub-regional, regional and global level, in accordance with the results of the Third Conference to review the progress of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trafficking in Small Arms and Light Weapons in All Its Aspects (PoA), held at the General Assembly of June 2018.²¹

The report concludes that, “in many places, small arms and light weapons are a key driver of human suffering” and defines their manufacture as a lucrative business that sustains terrorist and criminal groups, and “continue

¹⁸ *Idem*.

¹⁹ See Security Council, S/2019/1011, which, in turn, draws on elements of the UN General Assembly, “Illicit Trafficking in Small Arms and Light Weapons in All Its Aspects and Assistance to States for Curbing Illicit Trafficking in Small Arms and Light Weapons and Collecting Them. Report of the Secretary-General,” A/74/187, July 17, 2019.

²⁰ Saving Lives Entity (SALIENT), a fund set up by the UN Peacebuilding Support Office, the United Nations Development Programme and the United Nations Office for Disarmament Affairs, offers comprehensive, multi-annual and cross-cutting programs to prevent armed violence in each country in 2020. See www.un.org/disarmament/sg-agenda.

²¹ See UN General Assembly, “Report of the Third United Nations Conference to Review the Progress Achieved in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trafficking in Small Arms and Light Weapons in All Its Aspects,” A/CONF.192/2018/RC/3, July 6, 2018.

to be a primary cause of death in conflict and settings of pervasive crime.”²² It then reiterates the need to systematically consider, thematically and on a country-by-country basis, the impact of such firearms on the outbreak and continuation of conflicts, and how their illicit trafficking and organized crime propagate each other in some regions.²³

Notwithstanding, Security Council resolutions on small arms and light weapons are few and far between. Resolution 2117 (2013) is limited to armed conflicts, the illicit circulation and unauthorized use of such weapons; Resolution 2220 (2015) requests comprehensive approaches to address the root causes, social and economic factors, and cross-border gunrunning; it also calls for the ratification of the ATT, improved management of stockpiles and the identification of close ties between terrorism, transnational crime, drug trafficking, illicit financial flows, and small firearms, their parts, components and ammunitions.²⁴

However, in 2017 and 2019, these types of weapons are only mentioned in the general resolutions of the Security Council,²⁵ which request that illegal armed groups and terrorists be prevented from obtaining guns and explosives; that the PoA and the International Tracing Instrument (ITI) to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons be supported,²⁶ including by civil society and the private sector; that criminal measures on marking be adopted; that the capacity of the legal system, law enforcement and border controls be strengthened; and that trafficking rings in zones of conflict and post-conflict be investigated.

²² See Security Council, S/2019/1011, pp. 3 and 2; also *Id.*, “The ^Protection of Civilians in Armed Conflicts. Report of the Secretary-General”, S/2019/373, May 7, 2019.

²³ The Security Council’s regular agenda includes the protection of civilians in armed conflicts, peace operations, arms embargos, women, peace and security, children and armed conflicts, and the fight against terrorism and organized transnational crime. See Security Council, “Small Arms and Light Weapons. Report by the Secretary-General”, S/2015/289, April 27, 2015.

²⁴ In 2015, the Security Council issued Resolution 2225 on civilians in armed conflicts that picks up the issue of the impact of small arms on children.

²⁵ See Security Council resolutions 2368 (2017), 2370 (2017) and 2482 (2019) on threats to international peace and security.

²⁶ The ITI was adopted in 2005. Its commitments are reviewed with the PoA, created in 2001.

Finally, Security Council Resolution 2457 (2019), “silencing the guns that enter Africa”, regrets that illicit trade, the stockpiling and unauthorized use of these weapons in many regions, specifically Africa, cause considerable loss of human life and contribute to instability and lack of security. It picks up on the African Union’s roadmap of practical steps for 2020, including the decision to declare September the “Month of African Amnesty” for the surrender of illicitly owned firearms.²⁷

Of the regional initiatives, the most noteworthy one was that submitted by the Franco-German presidency of the Security Council in 2019 to remove small arms from the Balkans—with the support of the United Nations Development Programme—, before these reach criminal organizations in the European Union. This program, into which fresh resources were injected in 2020, focuses as much on the security of communities as it does on the building of capacities.²⁸

Mexico at the Security Council: toward a new humanitarian calling

Mexico’s return to the Security Council as a non-permanent member in 2021-2022²⁹ brings with it the chance to debate the humanitarian impact of small arms and light weapons at greater length and at diverse forums.

A call for open, public debate during Mexico’s presidency of the Security Council, which generally deals with across-the-board issues, would offer other non-member guest States or States that so request it the opportunity for broader discussion, while members could draw up a statement,

²⁷ See Security Council, “Resolution 2457 (2019)”, S/RES/2457 (2019), February 27, 2019.

²⁸ See European Commission, “Speech at the High-Level Meeting of the Franco-German Initiative on the Implementation of the Roadmap for Comprehensive Small Arms and Light Weapons Control in the Western Balkans,” January 31, 2020, at <https://ec.europa.eu/commission/commissioners/2019-2024/jobansson/announcements/speech-high-level-meeting-franco-german-initiative-implementation-roadmap-comprehensive-small-arms> (date of access: March 18, 2020).

²⁹ Mexico was a member of the Security Council in 1946, 1980-1981, 2002-2003 and 2009-2010. For the 2021-2022 period, it needs two-thirds of the votes of Member States in the June 2020 elections. In 2019, it received the endorsement of the GRULAC.

in line with the democratic transformation Mexico is experiencing and that we desire for the Security Council.

This type of debate allows for briefings on armed conflicts at the Council chambers by informed actors like the International Committee of the Red Cross and other specialized organizations.³⁰ It also permits presentations by the secretariat responsible for the related legal instrument and official minutes are kept.³¹

Another option is the Arria formula. Introduced in 1992 by the president at the time, these are informal meetings of the Council held at the request of one or several members. This more flexible format is an opportunity for experts, organizations and institutions to voice their opinion on Council matters, so it can make more informed decisions. Non-member States may attend by invitation, no minutes are taken and no secretariats make presentations. The meetings may be held at a conference room at the UN or at the Mission of the inviting State and the only preparation required is the definition of the items on the agenda, while experts or members of civil society can participate via videoconference.³²

In both cases, Mexico is in a position to make statements or explore the appropriateness of making a presidential statement during the month it presides over the Council.

Yet another opportunity could come around in late 2021, when the Secretary-General submits his next biennial report on these types of weapons to the Security Council. Given that it could be November-December 2021 when Mexico presides over the Council, it might be interesting to coordinate our presentation with the secretariat, with a view to triggering an informed debate³³ that helps push the issue higher up on the agendas of the various U.N. agencies involved.

³⁰ Like Control Arms, Small Arms Survey, the Stockholm International Peace Research Institute (SIPRI), Stop US Arms to Mexico, among others.

³¹ See the formats of meetings of the Security Council, "Note by the Presidency of the Security Council", S/2010/507, July 26, 2010.

³² *Idem.*

³³ See the debate on the 2019 report on the "Spread of 1 Billion Small Arms, Light Weapons Remains Major Threat Worldwide, High Representative for Disarmament Affairs Tells Security

As a last resort and in keeping with the African resolution to silence arms, Mexico could consider submitting a resolution to address the humanitarian impact of small arms and light weapons in Latin America and the Caribbean, this being the region most affected.³⁴

Final thoughts

The debate that began in the mid-Nineties at the General Assembly has gradually evolved within the Security Council to the point where the destabilizing effect of the stockpiling and excessive transfers of small arms and light weapons to zones of conflict and, increasingly, organized crime is today acknowledged, along with their contribution to ever-higher indices of armed violence off the world's battlefields.

One major watershed was the 2001 conference at which the PoA was negotiated and at which many States and civil society organizations pressed for a review, not just of illicit trafficking in firearms, but of legal transfers of small arms and light weapons and their diversion to illicit ends, as well as actions that take the humanitarian aspect of the problem into consideration.³⁵

This human-being-centered approach was reinforced by the 2030 Agenda in 2015 and has been carried through in the Secretary-General's reports

Council", SC/14098, February 5, 2020, at <https://www.un.org/press/en/2020/sc14098.doc.htm> (date of access: March 18, 2020).

³⁴ Such a resolution would require the vote—or abstention—of the five permanent members and the rest of the votes of non-permanent members, provided these add up to nine votes (United Nations Charter, Article 27, Paragraph 3). See María Cristina Rosas, "El Consejo de Seguridad de las Naciones Unidas: que 60 años no es nada...", in M. C. Rosas (coord.), *60 años de la ONU: ¿qué debe cambiar?*, Mexico, Universidad Nacional Autónoma de México/Australian National University, 2005, 107. This resolution could be supported by UN community violence and gun control programs in Belize, Costa Rica, El Salvador, Haiti, Honduras, Jamaica, Mexico, Nicaragua and Panama. See Security Council, S/2017/1025.

³⁵ See Edward Mogire, "The Humanitarian Impact of Small Arms and Light Weapons and the Threat to Security", speech given at the XV Amaldi Conference on Problems of Global Security: "Changing Threats to Global Security: Peace or Turmoil", Helsinki, September 27, 2003, available at <http://villafarnesina.it/rapporti/amaldi/papers/XV-Mogire.pdf> (date of access: March 18, 2020).

to the Security Council, the Human Rights Council³⁶ and the General Assembly, and in reports by the secretariats of specialized bodies and treaties on the situation of small arms and light weapons, their parts, components and ammunitions.

Aware of the situation, in 2018 Mexico convened the first informal debate among decision-making bodies and the secretariats of international instruments and mechanisms on small arms and light weapons, together with experts from regional and international organizations, members of civil society and academics. This meeting was the first sweeping step toward combating the problem from the perspective of the humanitarian cost of the conflicts and armed violence associated with transnational organized crime.³⁷ As the 75th anniversary of the United Nations approaches in September 2020, we could weigh up the possibility of calling for a new dialogue between these secretariats, with the backing of interested Member States and the participation of civil society, so as to generate synergies between various UN forums in support of the SRE's strategy to curb flows of illicit weapons into our country.

There can be no denying the United Nations, via its various organizations and agencies, has lent its support in different forms over the last 25 years, when the issue of small arms and light weapons was first touched on at the General Assembly, be it by issuing specialized documents that have served to construct narratives to raise awareness as to the impact of these firearms, encouraging States to submit reports on the issue³⁸

³⁶ Like the reports of the United Nations High Commissioner for Human Rights: "Human Rights and the Regulation of Civilian Acquisition, Possession and Use of Firearms," A/HRC/32/21, April 15, 2016; and "Impact of Arms Transfers on the Enjoyment of Human Rights," A/HRC/35/8, May 3, 2017.

³⁷ The meeting dealt with how to prevent and combat the diversion of arms; improve transparency; control the transfer, manufacture and circulation of firearms, with a view to strengthening dialogue and cooperation at different forums. See SRE, "México, sede de la Primera Reunión de Órganos de Gobierno y Secretariados de Mecanismos para prevenir y combatir el tráfico ilícito de armas," comuniciqué 81, April 3, 2018, at <https://www.gob.mx/sre/prensa/mexico-es-sede-de-la-primera-reunion-de-organos-de-gobierno-y-secretariados-de-instrumentos-y-mecanismos-internacionales-para-prevenir-y-combatir-el-trafico-ilicito-de-armas> (date of access: March 18, 2020).

³⁸ In the United Nations Register of Conventional Weapons, under the new "seven-plus-one" formula small arms and light weapons are included in the seven existing categories.

or building capacities to manage stockpiles, mark, trace and keep registers of such firearms.³⁹

Member States will indubitably continue to require the support of the United Nations system if we are to make good on our commitment to significantly reduce the violence generated by illicit flows of these firearms by 2030. We now have a new, multi-dimensional roadmap to help us find alternatives to the devastation small arms and light weapons have inflicted on our communities, in a permanent low-intensity war whose humanitarian impact continues to escalate.

Reason why, over and beyond the support these forums can lend us, we need to get civil society organizations on board if we are to address the growing armed violence that undermines human capital, development and sustainable peace, and the human rights of our societies. In the past, the support of such organizations has been crucial to getting nuclear weapons (2017), cluster ammunitions (2008) and antipersonnel mines (1997) banned on the grounds of their humanitarian impact. Today, we urgently need civil society to join forces with us to combat other lethal and increasingly sophisticated artifacts that circulate widely underground, namely small arms and light weapons, whose cost to humanity is incalculable.

See UN General Assembly, "Continuing Operation of the United Nations Register of Conventional Weapons and its Further Development. Note by the Secretary General," A/74/211, July 22, 2019.

³⁹ See disarmament, demobilization and reintegration programs, and activities related to mines in situations of armed conflict. See Security Council, S/2017/1025.