

CRS Report for Congress

Received through the CRS Web

The United Nations and “Gun Control”

Marjorie Ann Browne
Specialist in International Relations
Foreign Affairs, Defense, and Trade Division

Summary

Since the mid-1990s, some sources have stated that the United Nations is trying to disarm the world by taking control of all guns, including in particular, guns held by private citizens in the United States. U.N. member states have discussed problems associated with increasing numbers of firearms throughout the world in various U.N. organs and subsidiary bodies. These discussions have been directed towards illegal manufacture and trafficking in firearms. This report summarizes the results of these considerations in two central U.N. venues — the criminal arena and the arms control and disarmament arena. U.S. representatives have participated in these discussions, usually pointing out this country’s interest in protecting the Second Amendment rights of U.S. citizens to own guns. U.S. representatives have also expressed concern that the increasing quantities of illegally manufactured and trafficked firearms that are contributing to rising levels of crime, violence, and conflict are also accessible to terrorists. This report will be updated as events warrant.

Over the past several years, United Nations member governments have discussed issues related to firearms and guns, in two different U.N. venues — the crime prevention arena and the arms control and disarmament arena. Both aimed at reducing the level of illegal and illicit firearms moving across borders as a way of reducing crime, violence, and conflict. Some observers have characterized these discussions as part of an overall “U.N.” plan to impose gun control in the United States. This report provides a brief overview of U.N. activities in the area of firearms and small arms and light weapons.

A United Nations Plan for Gun Control?

Accusations that the United Nations has a gun control plan have circulated since the mid-1990s. The headlines found on the Internet referred to the “global gun grab,” the “U.N. coming for your guns,” “The 40-year gun grab,” and “The United Nations Wants to Take Your Gun?”¹

¹ These may be found at the following websites: *Global Gun Grab*, by Thomas R. Eddlem. The
(continued...)

The number of comments increased during 2001 as the U.N. Conference on the Illicit Trade in Small Arms and Light Weapons in all Its Aspects took place in New York in July. For example, an article in NewsMax.com on April 27, 2001, reporting on the position of the National Rifle Association, began in the following way:

The U.N. is after Americans' Second Amendment gun rights — it wants gun ownership banned in the U.S., and it's not going to stop until it gets its way.

That's the warning from the National Rifle Association's Wayne LaPierre, who reveals that "for the first time in the history of the world, a United Nations conference has set its sights on global disarmament — disarming citizens worldwide - including you and me."

"The bottom line is that international gun banners want every gun — every single gun worldwide — to be under U.N. and government control," warns LaPierre. "And that includes your rifle, your shotgun, your handgun, and even family heirlooms that have been handed down from generation to generation."²

U.N. General Assembly adoption in May 2001 of a Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition in the crime venue also provoked commentary such as the following by Tom DeWeese at American Policy Center in June 2001:

On Thursday, May 31st, the United Nations General Assembly approved a gun control treaty that calls on all nations to work together "to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components, and ammunition."

The public face of the treaty is the lie that it is supposed to make it easier to crack down on illegal gun trafficking by helping authorities trace the global movement of all new weapons. *** The small print of this treaty no doubt contains a raft of other restrictions and requirements that will have the effect of disarming ordinary citizens everywhere. The result will be that only UN forces and governments will have guns. This spells doom for freedom anywhere in the world.³

¹ (...continued)

New American, November 22, 1999, at [<http://www.thenewamerican.com>]; *U.N. coming for your guns. Private groups, governments team up to restrict use, ownership of firearms.* World Net Daily, December 7, 1999, at [http://www.mikenew.com/un_guns.html]; *The 40-year gun grab. '60s disarmament plan still going strong, say U.N. critics.* World Net Daily, December 13, 1999, at [http://www.mikenew.com/gun_grab.html]; and *The United Nations Wants to Take Your Gun!* at [<http://www.getusout.org/guns>].

² *U.N. wants Global Gun Ban*, NewsMax.com, April 27, 2001, at [<http://www.newsmax.com>]. Wayne LaPierre is the Executive Vice President and Chief Executive Officer of the National Rifle Association.

³ *UN Seeks Global Gun Control; The West is Being Systematically Disarmed.* by Tom DeWeese. American Policy Center, June 4, 2001, at [<http://americanpolicy.org/un/globalguncontrol.htm>]. Other comments can be found at *United Nations Attack on Gun Ownership*. The Phyllis Schlafly Report, v. 34, no. 11, June 2001, at [<http://www.eagleforum.org/psr/2001/june01.shtml>]; *U.N. Summit for Worldwide Gun Control Begins*, by Robert Villa for NewsMax.com, July 9, 2001, at

Citations to more recent comments can be found in the footnote below.⁴

Crime

Initial discussions by U.N. member states started as early as 1995 within the U.N. Commission on Crime Prevention and Criminal Justice under the heading “Measures to Regulate Firearms.” The Commission sought to identify the parameters of the presence of firearms worldwide, the relationship between firearms presence and crime, and the extent of national firearms legislation. In 1995, it recommended the preparation of a study on firearm regulation. Based on information provided by U.N. member nations, including the United States, the U.N. Center for International Crime Prevention, on request of the U.N. Economic and Social Council, prepared an *International Study on Firearm Regulation* and set up a database on the regulation of firearms.⁵ This work was not funded out of the U.N. regular budget but from voluntary contributions of Governments, including Australia, Canada, and Japan.

On July 28, 1998, the U.N. Economic and Social Council adopted a resolution recommending that nation states work towards “elaboration of an international instrument to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition” within the context of a United Nations convention against transnational organized crime. This resolution had been recommended to the Council by the April 1998 meeting of the U.N. Commission on Crime Prevention and Criminal Justice. On December 9, 1998, the U.N. General Assembly, without a vote, adopted Resolution 53/111, by which the Assembly decided to draft a “comprehensive international convention against transnational organized crime,” including an international instrument to combat “the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.”

In December 2000, the U.N. General Assembly adopted and opened for signature a United Nations Convention Against Transnational Organized Crime. One of the four protocols associated with this Convention, but not completed in time to be adopted and opened for signature in December was a Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts, and Components and Ammunition. The U.N. General Assembly adopted this Protocol on May 31, 2001. Under this Protocol, states parties would be expected to:

³ (...continued)

[<http://www.newsmax.com>]; *Gunning for your gun rights* by Michael Scardaville. July 11, 2001, Heritage Foundation Views 2001, at [<http://www.heritage.org/views/2001/ed071101b.html>]; and *U.N. Gun Control*, by Oliver North, July 13, 2001, at [<http://www.townhall.com/columnists/ollienorth/prinon20010713.shtml>].

⁴ *Gun-Ban Shenanigans at the UN* by James Bovard, January 2002, at [<http://www.fff.org/freedom/fd0201e.asp>] ; *U.N. vs. Guns, An international gun-control fight*. by John R. Lott Jr., July 11, 2003, at National Review Online, [<http://www.nationalreview.com>]; and Remarks by Chris W. Cox, Executive Director, NRA-ILA, at the 2004 Annual Meeting, April 22, 2004, at [<http://www.nraila.org/News/Read/Speeches.aspx?ID=31>]

⁵ For information on the Study, see [<http://www.uncjin.org/Statistics/firearms/>]. The Commission recommendation was approved by the U.N. Economic and Social Council in its Resolution 1995/27.

- enact laws to eradicate the illegal manufacture of firearms, including tracing existing illicit weapons and prosecuting offenders;
- cooperate to prevent, combat, and eradicate the illegal manufacture and trafficking of firearms;
- tighten controls on the export and import of firearms; and
- exchange information about illicit firearms.

The U.N. Convention was signed by the United States on December 13, 2000, and transmitted to the Senate, along with two protocols, on February 23, 2004 (108th Congress, 2nd Session, Senate Treaty Document 108-16). The Senate Foreign Relations Committee held hearings on June 17, 2004, with no further action. The United States took no action on the firearms protocol, neither signing it nor transmitting it to the Senate.

Preceding this U.N. action was adoption in 1997 by the Twenty-Fourth Special Session of the General Assembly of the Organization of American States of the Inter-American Convention Against Illicit Manufacturing and Trafficking of Firearms, Ammunition, Explosives, and other Related Materials. The United States signed this Convention on November 11, 1997; it was transmitted to the Senate on June 9, 1998 (105th Congress, 2nd Session, Senate Treaty Document 105-49). Hearings have not been held. According to the State Department, the Preamble to this treaty

makes clear that the Convention is intended to address the problem of transnational trafficking in firearms, and is not meant to regulate the internal firearms trade of the States Parties. The Preamble expressly recognizes, for example, that the Convention “does not commit States Parties to enact legislation or regulations pertaining to firearms ownership, possession or trade of a wholly domestic character...”⁶

Arms Control and Disarmament; Conflict Control

A second venue for United Nations discussion of firearms and guns as early as 1994 was provided by the U.N. Disarmament Commission which set up a Special Panel of Governmental Experts on Small Arms. The U.N. General Assembly, in December 1998, decided to convene the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects which was held in New York, July 9 to 20, 2001. This Conference produced a Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light weapons in All Its Aspects, but not a treaty. On July 9, 2001, then U.S. Under Secretary of State for Arms Control and International Security Affairs John R. Bolton, in a statement to the Conference, noted that

Small arms and light weapons, in our understanding, are the strictly military arms — automatic rifles, machine guns, shoulder-fired missile and rocket systems, light mortars — that are contributing to continued violence and suffering in regions of conflict around the world. We separate these military arms from firearms such as hunting rifles and pistols, which are commonly owned and used by citizens in many countries. As U.S. Attorney General John Ashcroft has said, “just as the First and

⁶ 105th Congress, 2d Session. Senate. Treaty Doc. 105-49, p. v.

Fourth Amendments secure individual rights of speech and security respectively, the Second Amendment protects an individual right to keep and bear arms.” The United States believes that the responsible use of firearms is a legitimate aspect of national life. Like many countries, the United States has a cultural tradition of hunting and sport shooting. We, therefore, do not begin with the presumption that all small arms and light weapons are the same or that they are all problematic. It is the illicit trade in military small arms and light weapons that we are gathered here to address and that should properly concern us.⁷

Under way in early 2005 are negotiations by an Open-Ended Working Group on Tracing Illicit Small Arms and Light Weapons aimed at a draft international instrument (treaty) for the “timely and reliable identification” and tracing of illicit small arms and light weapons. The second meeting was held January 24 to February 4, 2005, with a third substantive session scheduled for June 6 to 17, 2005. This meeting is scheduled to be followed by the Second Biennial Meeting of States to Consider the Implementation of the U.N. Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects at the National, Regional and Global Levels, held July 11-15, 2005.⁸ The first biennial meeting took place in 2003. Finally, a Review Conference for the 2001 Program of Action is scheduled for 2006.⁹

In a related development, the U.N. Security Council has also discussed the issue of small arms and light weapons, the proliferation of which contributes to and “exacerbates conflict, hinders economic and social development, fuels crime and terrorism, and contributes to the continued destabilization of war-torn societies.”¹⁰ In its latest statement, the Council “recognized that the dissemination of illicit small arms and light weapons has hampered the peaceful settlement of disputes, fuelled such disputes into armed conflicts and contributed to the prolongation of such armed conflicts.” The Council encouraged “international and regional cooperation in identifying the origin and transfer of small arms and light weapons in order to prevent their diversion, in particular, to Al Qaeda and other terrorist groups.” It welcomed the “ongoing efforts by [the] open-ended working group...to negotiate an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons...” The Council also called on all Member States to “enforce all Security Council resolutions on sanctions, including those imposing arms embargoes...and to bring their own domestic implementation into compliance with the Council’s measures on sanctions.”¹¹

⁷ Statement to the U.N. Conference, July 9, 2001, by John R. Bolton. USUN Press Release #104 (01). See [http://www.un.int/usa/01_104.htm]. Third paragraph on page 1.

⁸ See the text of the latest (2004) U.S. report on implementation of the program of action at [<http://disarmament2.un.org/cab/salw-nationalreports.html>]

⁹ See [<http://disarmament2.un.org/cab/salw.html>] and [<http://disarmament2.un.org/cab/salwoewg.html>] for further information on small arms and light weapons.

¹⁰ Statement by Ambassador Stuart Holliday, U.S. Alternate Representative for Special Political Affairs to the United Nations, on Small Arms/Light Weapons, in the Security Council, January 19, 2004. USUN Press Release #06 (04). See [http://www.un.int/usa/04print_006.htm]

¹¹ Presidential Statement by the President of the U.N. Security Council, S/PRST/2005/7, February 17, 2005.

Concluding Observations

While U.N. bodies have adopted resolutions and a “firearms protocol,” these efforts have focused on the availability of firearms manufactured and obtained illegally and on the use or misuse of these firearms in the criminal arena, including for organized crime, and/or to facilitate the spread of or prolongation of conflict. During meetings and negotiations in U.N. bodies, U.S. representatives have focused on the need to combat organized crime and to reduce out-of-control violence and conflict by limiting the availability of firearms, light weapons, and small arms that contribute to and aggravate these situations. They have made it clear that the reduction of crime and conflict is a primary goal of the United States. They have supported U.S. Second Amendment rights of citizens to firearms. As the experience with the OAS Convention and the U.N. Protocol illustrates, any international treaties in this area would not bind the United States unless these documents were acted on favorably by the U.S. Senate, if the President decided to transmit the treaty to the Senate for its consideration.