On 22 May 2015, the United Nations Security Council (UNSC) adopted Resolution 2220 urging stronger cooperation in stemming the “illicit transfer, destabilising accumulation and misuse” of small arms and light weapons, and underlining the suffering they cause to civilians. This was attained with a vote of nine in favour, and zero against. However there were six abstentions: Angola, Chad, China, Nigeria, the Russian Federation and Venezuela. The text identifies areas where international cooperation could be enhanced, and recognises the importance of well-targeted and monitored sanctioned regimes, appropriate United Nations (UN) peacekeeping mandates, effective reintegration and demobilisation programmes, and security sector reform.

The Resolution is an advance on its inaugural thematic predecessor (Res 2117) drafted by Australia in September 2013, which aimed to strengthen the Council’s response to small arms-related threats to international peace and security. The current Resolution 2220 advocates for the establishment or strengthening of sub-regional and regional mechanisms for cooperation, coordination and information sharing, particularly cross-border customs cooperation and information exchange networks.

Where they do not exist, laws, rules and administrative procedures permitting Member States to effectively control the production of small arms and small arms within their jurisdictions are required, as are controls on the export, import, transit or re-transfer of such weapons. Resolution 2220 further urges Member States, relevant UN entities and intergovernmental organisations, and regional and sub-regional organisations to cooperate and exchange information on persons suspected of arms trafficking.

Welcome is fresh language on the havoc caused by illicit transfers on women and children; the need for data disaggregation by sex and age; appreciation of the deleterious conflict and post-conflict impacts on women’s security, mobility and
economic activity; and due attention to women’s participation and empowerment in
the design and implementation of measures relating to the illicit transfer,
accumulation and misuse of small arms.

That said, the Resolution is far from sufficient. In particular there is a failure to more
fully accommodate the reality and danger of continuing small arms transfers to non-
state actors. This shortcoming was most definitely a factor in determining the three
African state abstentions noted.

Here Angolan representative Martins, speaking for Chad, Nigeria, and his own
country, claimed that non-support of the Resolution’s text stemmed from a conviction
that the illicit supply of small arms and light weapons to non-state actors threatened
international peace and security, particularly in Africa. Al-Qaida, Boko Haram, Al-
Shabaab and other promoters of terrorism were major beneficiaries of the supply of
such arms, he said. While accepting that non-State actors could comprise terrorists
and criminal networks, and while proposing an exemption for armed private
contractors and similar actors engaged in security missions, he was disappointed
that these proposals had not been heeded.

Representative Cherif of Chad saw the refusal to render illegal arms transfer to non-
State actors as tantamount to a refusal to prevent conflict and destabilisation of a
fragile State. The African delegations, he claimed, had been flexible in submitting
amendments with a view to achieving a balanced text. Such concerns had not
attracted the slightest attention, leaving African Council members “shocked and
marginalised”.

Behind these concerns lay African concerns that the Resolution had too narrowly
confined non-state receivership to terrorist and criminal networks, allowing major
arms suppliers scope to continue arming rebel or security forces aligned to their
particular interests within different internal conflicts.

These African objections helped China and Russia to rationalise their abstentions.
Noting that the three African members had proposed valid amendments to the text
during consultations, representative Wang Min of China said his Government had
negotiated in a “positive spirit”. Consultations should have resolved differences and achieved a text enjoying unanimous support but failure here had led China to abstain.

Representative Iliichev (Russia) claimed due consideration was not only not given to his Government’s proposals for a ban on all forms of small arms and light weapons to non-State actors, but also Moscow’s proposals on regulation of brokerage activities, a ban on the unauthorized re-export of the arms, cessation of unlicensed weapons production, and curbs on the production of pirated weapons. Venezuela also abstained, claiming the Resolution lacked clear objectives on the removal of arms embargoes, technology transfer, and marking and tracing.

Among supporting states, Chile regarded the Resolution’s substantive language on women, peace and security to be an advance on that provided previously (Res 2117). New Zealand and Spain both regretted the political positioning that had failed to resolve the issue of small arms transfers to non-state actors.

The United States claimed that the Resolution’s language was sufficient to meet African concerns regarding a lack of specificity over non-state actor recipients. This recognised “the importance of preventing the illicit transfers and sales of weapons and ammunition, including small arms and light weapons, to armed groups and criminal networks that target civilians and civilian objects”, and that “the illicit trafficking in small arms and light weapons can aid terrorism and illegal armed groups and facilitate increasing levels of transnational organized crime.” Furthermore, the Council had reaffirmed its decision that “States shall eliminate the supply of weapons, including small arms and light weapons, to terrorists.”

Accordingly the Americans voiced disappointment “that a few Council Members would be willing to throw out a resolution that they almost entirely agree with, and which they know will make a positive contribution in their own countries, in order to cling to one specific term for political purposes—a term that is ill-defined and that no delegation in our negotiations has been able to identify any specific entity that they would wish cover that is not already covered by the language in this text.”
Ahead of the vote, Lithuania’s representative, Raimonda Murmokaitė described the hard negotiations that led to the text, thanking members for their support for the effort to end the suffering of countless people caused by the illicit trade in small arms. “The draft is not ideal, but the real world we live in is not ideal either,” she said, underscoring the responsibility of the Council to continue to work to protect, and welcoming the language in the resolution that addressed the impact of the weapons on women, children and other vulnerable groups.

Be that as it may, there is no avoiding the dilemmas that were raised in the drafting of this particular Resolution. By what criteria does a small arms transfer to a non-state actor assume legitimacy? And where might such weapons eventually reside? We may not know the extent to which arms supplied to rebels in Syria’s roiling conflict shaped the Security Council’s deliberations but, like the arms supplied to Libya now in the hands of Boko Haram, these were unavoidable realities.

This Resolution is a welcome addition, but the Permanent Five, all major arms suppliers ensconced on the Security Council, cannot be surprised to face critical scrutiny by favouring selective interpretations of those non-state entities with whom they will continue to supply small arms.

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5 June 2015